

NINTH DAY

TRIBUNALS OF INQUIRY (EVIDENCE) ACT, 1921.

TRANSCRIPT OF PROCEEDINGS  
AT THE PUBLIC INQUIRY

into

INCIDENT AT DUNBLANE PRIMARY  
SCHOOL on 13th MARCH, 1996

before

THE HON. LORD CULLEN

on

MONDAY, 10th JUNE, 1996

within

THE ALBERT HALLS,  
DUMBARTON ROAD, STIRLING

.....

(Shorthand Notes by Wm. Hodge & Pollock Ltd., Glasgow).

.....

C R O W N C O P Y R I G H T.

APPEARING:- THE LORD ADVOCATE (The Rt. Hon. The Lord Mackay of Drumadoon, Q.C.), Mr. IAN BONOMY, Q.C., Advocate Depute, with Mr. J.C. LAKE, Advocate, for the Crown;

MR. C.M. CAMPBELL, Q.C., with MS. L. DUNLOP, Advocate, for the families of the deceased children, the families of the injured children, the children absent from class, Mrs. Harrild and Mrs. Blake;

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. Mayor (deceased), and the Educational Institute of Scotland;

MR. M.S. STEPHEN, solicitor, Glasgow, for the Association of Head Teachers in Scotland, and Mr. Ronald Taylor (Headmaster);

Mr. M.S. JONES, Q.C., for Stirling Council and Others;

MR. J.A. TAYLOR, Solicitor Advocate, Edinburgh, for the Central Scotland Police;

THE DEAN OF FACULTY (Mr. A.R. Hardie, Q.C.) with MR. G.C. KAVANAGH, solicitor, Hughes Dowdall, Glasgow, for individual officers of the Scottish Police Federation, and Lothian and Borders Police.

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MONDAY, 10th JUNE, 1996.

NINTH DAY.

ELIZABETH ANNE SHARON WATT (42), Sworn:

EXAMINED BY MR. LAKE: Do you live in Alva? - I do.

What is your occupation? - I am an accounts clerkess.

I understand that you are on the Parent Teachers Association of Alva Primary School? - Not any more.

When did you cease being on the Association? - About two years ago.

For how long had you been on the Association? - Seven years.

I understand that at some time some parents contacted you regarding concerns about Thomas Hamilton? - Yes.

When did those parents contact you? - As near as possible I think it was a year past February. Near the end of February 1995.

What did those parents say was concerning them? - They thought he was odd. He seemed to prefer children that we might have said were vulnerable children.

In what way? - Not very streetwise. They might have let people do things and said nothing. They were needing some attention. Maybe one-parent families.

Were there any concerns as to what Hamilton was doing with the children? - Yes. Wanting them to strip to the waist was a big concern and that he was very often on his own was a big concern to the parents.

Did/

Did they mention any photography? - Yes, a video cameras and photographs.

What were the photographs of? - They said it was the children stripped to the waist and that is what they didn't like, couldn't understand.

Did the parents say they were angry about this or concerned or.....? - Concerned.

What did you do in response to their concerns? - I phoned Central Region at one point and they told me, whoever I spoke to in Mrs. Challis' office said they would not send any of their children to one of his clubs. I phoned Mr. Hamilton. He sounded odd. That is all I can say. He wasn't very forthcoming.

What did you discuss with him on the telephone? - Just what went on at his sports club.

Did you ask him anything in particular? - I did when I met him. I also went and saw him at one of the clubs.

When was that? - It would have been about the same time. Maybe February or March of 1995.

What did you see at the clubs? - I saw some boys. When I went into the gym hall Mr. Hamilton was in the boys' changing room. I maybe should have checked but.....

Were the boys in there at that time? - I don't know. That is why I think with hindsight I maybe should have checked. There were some boys in the gym and I had to wait some time for him to come out of the boys' changing room. He wasn't even dressed.

Sorry, Hamilton wasn't dressed? - No, he wasn't dressed in the way, you know, that somebody taking a sports club would be.

Do you mean he wasn't in sports clothes? - He had hard-soled shoes on which wasn't actually allowed in the gym hall.

But he was fully dressed? - Yes.

Did/

Did you ask him about the clubs on that occasion? -  
Yes.

What did he say about them? - He was very forthcoming, you know, he was a great sort of chap, he done all these things for young boys, because I told him I was going to send my son if it was a good enough club. I didn't actually have a son of that age group. But when I questioned him he was completely different.

In what way? - He became quite aggressive in a way and he didn't want to answer questions. I questioned him about being there himself, why he was on his own with these boys and he said he was allowed to be with 28 to 30 boys, he could be on his own and I said that wasn't right. My husband was a Cub leader and he could not be on his own with one boy and didn't want to be. You know, he just got quite angry.

Did you form any opinion of Hamilton at that time? -  
Yes.

What was that? - I wouldn't have sent any child there. He was really odd.

Did you do anything with your concern after you had met Hamilton? - Yes.

What did you do? - I phoned the police.

Where did you phone the police? - Tillicoultry.

Can you remember who you spoke to? - No.

What did you tell them? - I told them..... I actually phoned the police at Tillicoultry before I met Hamilton as well to ask them about him and they said that he was known to them.

Did they say in what way he was known to them? - Just with the same things, these boys' clubs. He was known to them for that. They weren't very forthcoming about it.

Did/

Did they say what they would do with the information you gave them? - They would look into it. That was all I got. I phoned quite a few times.

Did you hear anything further from the police? - No, the last phone call that I made when I asked them what was happening, they said to me that I would hear sooner rather than later and there was nothing they could tell me.

When was that last phone call you made to them? - I can't really remember.

Was it shortly after the first one or had a long time elapsed? - No, I would think maybe two or three months later at least.

So this may be into the late Spring of 1995? - Yes.  
Oh, yes.

Did you take any further action after you heard nothing from the police? - No.

No cross-examination.

RONALD MERCER (42), Sworn:

EXAMINED BY MR. LAKE: Do you live in Menstrie?  
- Yes.

What is your occupation? - I am a caretaker steward.

Where are you a caretaker? - Now at the Dalmore Centre in Alva.

How long have you been there? - About three months.

Where were you before that? - Menstrie Community Centre.

While you were at Menstrie Community Centre, did you have any dealings with Thomas Hamilton? - Yes.

How/

How did you come to have dealings with him? - I was the mini-bus administrator at that time and he came to me for the mini-bus.

When did he come to you for the mini-bus? - It was always a Thursday. I can't remember the dates.

Can you remember when he first came to you? - No.

Even roughly month-wise? - No, I can't remember.

Was it this year or last year or the year before that? - It was last year going into this year I think.

Last year going into this year? - Yes.

And how often did he hire the mini-bus? - About six or seven times I think.

Did he ever tell you what the hire was for? - It was apparently for his Dunblane Boys' Club.

Did you ever hear any rumours regarding Hamilton? - Yes, there appeared to be rumours flying about at one point.

What were these rumours about? - Well, he wasn't to get the mini-bus, I don't know the reasons why. He just wasn't to get the bus so when he came to get the bus I told him he couldn't get it but he went to my superiors and the next thing I knew he had to get the bus again.

So who told you he wasn't to get the bus? - My line manager. I don't know what was said but he told me that he wasn't to get the bus. I didn't know the reason.

And so when Hamilton asked you you just told him it wasn't available? - I told him it wasn't available.

Can you remember when you first told him it wasn't available? - I don't know the date.

Roughly/

Roughly? - At the back end of the year I think.

And how long was it before you had to start giving him the mini-bus again? - I think it was only two or three weeks and then he had to start getting it again.

Can you remember who told you you had to start giving him the mini-bus once again? - That would be my line manager. Apparently he went to see him or something.

Was the mini-bus returned to you in good condition after it had been hired? - Yes, he was the only person who would clean it out. He washed it and cleaned it.

Were there ever any items left in the mini-bus? - Yes, on one occasion there was a tin of gun oil.

Can you remember when that was? - I can't.

Did you speak to Hamilton about the gun oil? - Yes, the following week.

What did he say about it? - He said he needed it to oil some hinges on the bonnet or something of the bus.

Would the bonnet be needing oiled in a mini-bus? - It was stiff but I never thought anything of it, you know.

Did you ever discuss guns with Hamilton? - Well, he talked to me about guns.

What did he say about them? - He asked me if I had ever had guns or fired guns and I said I had had an air rifle when I was younger. That was about it.

Did he say anything more about them? - He said "Would you like to see some magazines of guns?"

Is that magazines as in journals? - Yes, and the following Thursday..... it was always/

always a Thursday afternoon he came for the bus. The following Thursday he brought in a bag of magazines, books and stuff, and the following Thursday after that he actually brought a handgun.

Dealing with the magazines first of all, were these all about guns? - Yes, it was like buying and selling guns and stuff like that.

And he just brought them for you to take a look at? - Yes.

You said after that he actually brought a gun? - He brought a handgun in, yes.

Where did he bring it to? - He brought it to the Centre when he came to pick up the bus.

And this was one of the normal Thursday evenings he picked it up? - Well, it was a Thursday afternoon. I don't actually work on a Thursday evening so if he was using the bus in the evening he had to pick it up in the afternoon because there would be nobody there at night. He just handed me a grey money bag and it was really quite heavy and when I opened it up there was a handgun in it.

Where were you when he showed you this? - In the office at my work.

Did he do anything with the gun? - No.

Just showed you it? - Just showed me it and he wrapped it up and put it back.

Was it loaded? - No.

Was there any ammunition with it? - No.

Did he discuss ammunition with you at all? - Yes, he said he had thousands of rounds of ammunition in his house.

Did you tell anybody about him having shown the gun to you? - Not really, no. I didn't think anything of it. He assured me at the time that he had all the relevant certificates and stuff for it.

Did/

Did he say why he had a gun with him at the Centre on that day? - No. I assumed it was to show me.

Did you form any opinion of Hamilton in your dealings with him? - If anything, I would have said he was gay. I thought he looked gay.

Why was that? - Just the wee squeaky voice. A funny wee guy.

Was he intimidating at all? - No, not at all.

Did he ever threaten you in any way? - No.

Did he ever show you anything else when he came to collect the mini-bus? - On one occasion he came for the bus he had a briefcase with him which he opened and there was a full-sized photograph, a blown-up photograph, of a football team. A boys football team.

How were the boys in the photograph dressed? - They were dressed in football strips. It was a pretty smart photograph actually. There was nothing untoward about it. It was very well done.

Was that the only photograph he showed you? - That was the only one he had in the case.

He didn't show you any other photographs of boys doing gymnastics? - No.

Did he ever discuss with you rumours that were circulating about him? - Yes, he said there was rumours circulating and he said that people thought he was a pervert but he assured me that that was not the case.

Did he say why he thought people were.....? - No, he didn't elaborate on that. He seemed to think that I knew, he seemed to think I had been told, but I knew nothing about this until he told me.

What did he say about the rumours? - He just said that there were rumours flying around that/

that he was unsuitable to work with children and stuff and he just said "I can assure you that is not the case".

I appreciate it is difficult with the lapse of time but can you remember when Hamilton showed you the photograph? - No. It was one of the occasions when he came to pick up the bus. I don't know which one.

When did you last speak to Hamilton? - I think it was the day before.

The day before what? - Before he done what he done.

So that would be the 12th March? - I think so, yes. On the telephone.

What was he saying on the telephone? - He wanted the mini-bus.

When did he want the mini-bus for? - He wanted it for the Thursday.

That would be the 14th March? - That would be the 14th, yes, and I told him it wasn't available because genuinely it wasn't available. It had already been booked. So he asked for it the following Tuesday and it was also booked that day as well so I told him he couldn't have it and then that was it. He just generally passed the time of day and then hung up.

Did he talk to you about anything else that day? - No.

How did he sound to you on the phone? - He didn't sound any different than he normally sounded. There was nothing.

He didn't sound angry in any way? - No, not at all.

No cross-examination.

KENNETH/

10.20 a.m.

KENNETH McLEAN (46) Sworn

EXAMINED BY MR. LAKE: What is your occupation? - Presently a police sergeant.

How long have you been in the police service? - 26 years.

I think you are currently stationed at Falkirk; is that correct? - I am.

How long have you been at the Police Office in Falkirk? - In this current posting 18 months.

Where were you prior to that? - I was a detective constable stationed at various places within the Force.

In 1988 where were you stationed? - Criminal Intelligence, Police Headquarters.

What were your responsibilities within Criminal Intelligence at Headquarters? - To receive and disseminate Criminal Intelligence submitted by police officers.

Who did you receive such information from? - From a multitude of sources, particularly serving police officers.

They just contacted you whenever they thought they had something of interest for you? - There was a paper system at the time, and they would perhaps type an entry into a paper log and submit it through to my office.

What did you do with the paper entry? - Either form a file, mark it out for review by operational detectives, or it could form part of an inquiry, you could get asked for Criminal Intelligence. It would also be reviewed by supervisory detective officers.

What was the purpose of that review? - It may form part of an ongoing inquiry. It may form the start of an inquiry. It may be thought worthy of/

of further investigation. The officer who submitted it need not necessarily be the investigating police officer.

If it wasn't part of an actual inquiry or wasn't used for an existing inquiry what would happen to the information? - It would be held on file for review perhaps in the future. If another piece of information came in about the same person it may continue to form a picture of that person.

How was the information categorised when it was stored? - In what respect?

How was it filed? - Under the name of the person.

So there would just be a large alphabetical list of all the information that had come to you? - Say there was a file for a particular person, it would be filed usually by date order.

And the names of each person would be filed alphabetically? - Yes.

Was there any review conducted of the information after it had been there for a period of time? - Yes, there was. Three years was the recommended weeding-out period when it would be reviewed by a detective constable in Criminal Intelligence and the supervisory officer.

What was the purpose of that review? - To weed out superfluous or outdated information.

Was that the only Intelligence system at the time? - Yes, it was.

For how long were you in the Intelligence Section at Headquarters? - Approximately a year.

So you had left by 1989? - Yes.

Was there any other system introduced while you were there? - No. I was part of the proposals and I know there was a stand-alone computer system introduced in either late 1989 or early 1990.

Perhaps we can hear about that from a later/

later witness. Do you recall receiving Intelligence information regarding Thomas Hamilton in June, 1988? - Yes, I do.

Can I ask you please to look at Production DIntel F1D3? - Yes, I have it in front of me.

Do you recognise that document? - Yes, I do.

Who completed that? - I did.

You see there it refers to information regarding the Falkirk Boys Sports Club? - Yes.

And the difficulty with having money repaid? - Yes.

And at the end it says "Are you unhappy and generally suspicious of this organisation"? - Yes.

Where did you get the information to complete that? - Sergeant Low. You would see at the top of the form although it is marked as officer submitting, it was Sergeant Low from the British Transport Police who had telephoned me at Criminal Intelligence Office at Police Headquarters and that is the source of the information.

At the top right-hand corner there is a telephone number? - Yes.

Whose telephone number is that? - Sergeant Low's.

Towards the middle of the form on the right-hand side there is a box saying "Evaluation" and it has got A in one box and the figure 1 in the other. What is the significance of that? - There is a common grading system for Intelligence. A the letter refers to the source of the information and it is graded A, B, C and X. A is a person who is regarded as trustworthy and capable of giving accurate information. The numbers 1, 2, 3, 4 is the grading of the information itself. One would be believed to be true by the person submitting it to the best of their knowledge, and it could go to -- well, A1 in this instance is Sergeant Low who has telephoned/

telephoned the information which he believed to be true and accurate and he himself is believed to be a responsible person. It can go to X4 which would be an anonymous telephone call. By looking at the evaluation you can form a judgement as to whether the Intelligence has accuracy or weight.

Again looking at the form, above that box there is a line marked date, and the date given is 22nd June, 1988? - Yes.

What is that the date of? - The date I received the information and physically typed that on the form.

Would that be the day when you typed the entry into the log or shortly after? - I can't be 100 per cent accurate but it would be on that day I received the information.

In the lower half of the form there is a number of different boxes and headings in which little is written. What is the purpose of that part of the form? - These relate to an administrative documentary system for further disseminating the information.

What do you mean by further disseminating? - It may be, as an example, some person in Stirling gave the police information about a person in Glasgow. This is of no relevance to the police in Stirling and we would transfer that information to the police at Glasgow albeit keeping a copy in our own area: or it may be mentioned in publications, and it may be of sufficient interest to go to a national police publication for relevant consideration by investigating police officers elsewhere.

In what circumstances would you tell another Force about information you received? - When an officer from another Force phoned to see what information we had on any person, the officer phoning would get the information: or if we had information that I described coming in from a local as to a person living in another area, they would routinely get that information on that person: or if his alleged criminal activity was taking place in another police area they would get that information.

In/

In what circumstances would the information be published in a police publication? - In terms of Intelligence appearing in such publications, it would be done through Intelligence circles. I don't recall any current example of where an Intelligence entry would be publicised about an individual. It may be Intelligence came in about a criminal modus operandi, something of that nature would be published, or a novel type of local criminal activity that was worth sharing with colleagues elsewhere.

So there was no particular category of information which in particular would be set aside for publication? - No, there wasn't that I am aware of.

You mentioned police from other Forces would be able to contact you to obtain information? - Yes.

Would any other person be able to obtain information from you at that time? - No, I don't believe so. I can't think of an example, sir.

CROSS-EXAMINED BY MISS DUNLOP: I wonder if I can just ask you about the dissemination within your own Force. This type of entry, for example, which relates to children, would be any part of your job to transmit information to perhaps the Family Unit? - At the present time that would be the case, but in 1988 we had no specific Family Unit or Child Investigatory Agency, we had none whatsoever. In that instance I would suggest I would direct it to the Divisional Detective Inspector at Falkirk for him to review, make a decision as to whether it was worthy of further investigation.

But if you could apply your mind to a statement such as this which mentioned a firearm, would it be any part of your job then to transmit the information contained to a Firearms Unit? - I'm sorry, I'm not -- the information about a firearm?

I am just envisaging a log such as this in which a firearm is mentioned, perhaps just the display of a firearm to somebody in slightly dubious circumstances: was there an automatic procedure whereby you would have referred that information to the Firearms Department? - It wasn't automatic, it is/

is a matter of judgement. In such a situation you describe, it would go to a senior detective officer for review and it may well have gone to the Firearms Department but I can't say that with certainty.

No re-examination.

DOUGLAS HAMILTON (37) Sworn

EXAMINED BY MR. LAKE: I understand you are a detective constable stationed at Stirling? - Correct.

How many years police service have you? - 11 years' police service.

What is your role within the Police Headquarters at Stirling? - I am a crime analyst in the Criminal Management Unit at Police Headquarters.

Does that involve consideration of Intelligence submissions? - Part of my duties is that.

What are your duties in relation to Intelligence submissions? - Basically my duties are to take any information that relates to the area I cover for the Criminal Management Unit. The Intelligence officer's desk is opposite mine and if he is not there I will do his job if necessary for Criminal Intelligence.

What Criminal Intelligence systems are presently available to the police? - A Memex system on computer. It is a computer system.

Is that the only system available? - That is the only system available to me.

Are there any other systems available to any other persons? - Not that I know of, no.

Are you aware there used to be a paper system for making submissions? - Yes.

Has/

Has the information on the paper system been transferred to the computer? - I believe so.

Who within the Force has access to the computer information? - Everybody in the Force.

Anyone who has access to a terminal....? - Anyone who has access to a terminal can access the information.

Do you recall in January, 1995 enquiry being made of you regarding Thomas Hamilton? - I don't remember January but I remember some time in early 1995 an enquiry made about Thomas Hamilton.

Who made that enquiry? - P.C. Anne Anderson.

What was the nature of the enquiry? - It was renewal of a Firearms Certificate for Thomas Hamilton. She came up to me regarding Criminal Intelligence regarding that renewal.

What information was she looking for? - Anything in Criminal Intelligence that we had.

Anything in particular? - Not that I recall.

Was there any need to seek that information from you? - No.

What did you do in response to the enquiry? - I interrogated the machine on what is called Textrack, which is a way of interrogating the information put on by officers in the Memex system.

How does that search for information? - I don't know the technicalities, but in the system there is four processors throughout the Force operational system and when someone puts an entry in one entry goes to that processor and a duplicate entry goes on Archive. And Textrack, which is a way of interrogating the machine, if you go to Archive, and if you had all four processors had any information on it, that is the system you use.

So you are able to get information from the whole of Central Scotland Police? - From the whole of Central Scotland Police Criminal Intelligence system.

Does/

10.40 a.m.

Does it have any means of gathering information from other forces? - No. Any information that would come in from other forces would come in normally by paper or by telephone to the Criminal Intelligence Officer who would put it on to the machine himself.

How is information put on to the machine when that information is generated within Central Scotland Police? - The officers put it on themselves, and save it so it can go to the processing.

Is there any review carried out of information put on to the system? - The information that is on it is reviewed by the Criminal Intelligence Officer or myself, normally on a daily basis.

And what does that review consist of? - Checking entries that are on to see if there is anything that should be maybe put on a bulletin, that is of importance, or to give to other forces.

And is that information being reviewed as it is put on? - It may be a couple of days later, depending on when there is somebody to do it.

Is any subsequent review carried out of the information, or does it accumulate? - It accumulates.

If a search is being made of the system, by what category is that search made? - I don't understand that.

Is the information filed by surname or by the type of information? - No, it is not filed by anything. It is a big pool of information, and depending on how you interrogate, what the query is that goes in will depend on what comes out. Once an office has put it in I don't do anything else with it. I just read what is on the screen by interrogating it by putting in the name and address, car registration, or whatever I am looking for, and it will give it back to me.

It will throw anything that matches back?/

back? - It will throw anything it matches back.

Is the information contained within that system notified in particular to any other parts of the Central Scotland Police? - Not as such. Because every officer, or civilians who have access to the machine have access to any information that is on it, from Criminal Intelligence. There is nothing hidden on it.

For example if something went on regarding children, and possible crimes against children, is that specifically brought to the attention of the Family Unit? - It may be. The Criminal Intelligence Officer may contact them and tell them to look at that entry.

Who is the Criminal Intelligence Officer? - Detective Constable David Plain.

Similarly if there was any intelligence held regarding firearms, would that be notified to the persons dealing with the renewal of firearms certificates? - It if was of importance. Criminal Intelligence can be a lot of hearsay evidence, it can be a lot of third-hand information, so it depends on what the information was, and it depends who it was given to.

Do the persons dealing with firearms certificates have access to the information system? - Yes.

Do you have any way of ranking the reliability of the information put on to the intelligence system? - Yes.

And what is that? - It is put on by numbers and letters. A1 is the best information. X4 means you don't really know if it is reliable or not, and it comes down the scale.

You said you carried out an inquiry in response to the request by Miss Anderson. Did that provide any information about Hamilton? - It didn't. As far as I can recall it didn't give anything on Thomas Hamilton, who was applying for renewal of his firearms certificate.

Is that no information at all at that time?/

time? - Not that I can recall.

Have you subsequently checked the system for information about Thomas Hamilton? - I have.

And were you able to find any information on that occasion? - Yes.

Could I ask you please to look at some Productions. They are D INTEL F1, D10, 11 and 12, and they are respectively D10, 11 and 12 within Volume I(iii).

Can I ask you please firstly to look at the document D10 INTEL. Do you see what that is? - A Criminal Intelligence submission which has been printed off from the machine.

And is that something that would be printed out from the Textrack system? - No. This is from the normal system. Textrack prints it off differently, but the same information -- but that has been taken from the normal database, not Textrack.

Just to be clear about this, what is the difference between Textrack and the normal system? - Textrack -- when I print out on my machine it is a tractafed paper -- and not as neat as that.

But both systems have the same information? - Both systems have the same information. And if I was printing off for somebody who came up and asked me, I would normally print off that way, that information there, I would go back into the normal database and print that off.

Which system do the majority of people have access to? - For printing purpose? As far as I am aware only the Trace team, Detective Constable David Plain and myself, can print from this system.

So other people in the force can screen access only? - They can print from Textrack, but as far as I am aware not many people will know how to print from Textrack.

So if they want information, they can call it up on the screen, and would just have to rely/

rely on it in that form? - Yes.

Looking at document D10, are you aware when that submission was put on to the system? - The 25th January 1995.

Is that the date towards the top right-hand corner? - Yes.

It hasn't copied terribly well on the copies. And you will see that the subject matter of that is regarding complaints relating to Hamilton at Lornshill Academy in Alloa? Do you see that in the second paragraph? - Yes.

And there are comments there about Hamilton requiring the children to undress and taking photographs? - Yes.

In the paragraph at the foot of the page there is a reference to Hamilton being considered a suspicious youth worker? - Yes.

On the second page of that there is a note that Hamilton has been the subject of police interest in the past, but has not been charged with any crime; do you see that? - Yes, I see that.

And then perhaps it is a paragraph relating to the reliability -- it states "This information was received third-hand", and that the parent didn't wish to be identified; do you see that also? - Yes, I see that.

Would any action be taken in respect of this after it was put on to the system? - Not by myself, no.

Had your search for Miss Anderson been carried out before or after that information was placed on to the system? - I can't remember. I don't know the dates she asked for for the search.

Could I ask you to look then at document D11, and what is that? - Again it is a Criminal Intelligence submission that has been printed from the database.

The date of printing -- that is the one in the top left-hand corner, is it? - Yes, that is the/

the date this actual physical one I have here in front of me has been printed off.

But again you see the date it has been submitted? -  
13th February 1985.

Do you see there is a reference there to the officer who submitted the information, DF10191, and that is just the number of -- the police number of the person submitting the information? - Yes.

I think that number -- well, a different number, but a number was given on document D10 also? - Yes, another officer.

BY LORD CULLEN: Does "Entry Classification" refer to the grading of reliability? - Yes.

If you just look back at D10, the one you were looking at before, there doesn't appear to be any grading, it is blank; is that right? - That is correct.

Is that normal? - Yes. Quite often officers don't know what to grade it, so they just leave it blank.

EXAMINATION CONTINUED BY MR. LAKE: And do you see the subject matter of this complaint is similar to the other one, in that children are being required to wear swimming trunks when attending Clubs run by Hamilton? - Yes.

And the informant, who is unnamed, has expressed his concern for the safety of the boys attending the Club? - Yes.

And it is also recorded that the informant had been asked to contact Inspector Ross and/or the Family Unit so that further inquiry can be made into the allegation immediately? - Yes.

The name given at the bottom of the form there is PC D. Forbes. Would that be him that had instructed the informant to contact Inspector Ross, or would it be the person dealing with the information? - No, it would be Constable Forbes.

Would any further action be taken in respect/

respect of this submission? - Not by myself, no.

BY LORD CULLEN: What is an MO? - "Modus Operandi".

EXAMINATION CONTINUED BY MR. LAKE: Could I ask you now please to look at document D12. Do you see that is another Criminal Intelligence submission? - Yes.

In the top left-hand corner it has got the same printing date of 10th April 1996? - Yes.

What date was this submission made? - The 1st September, 1995.

And on this, once again, there is no entry classification given for it? - No.

And the subject matter in that inquiry is that a reporter with the Daily Record had contacted the police to inquire about the above-mentioned? - Yes.

Is it common to insert inquiries for information as intelligence submissions into the system? - As an example like this?

Yes? - Entries like this are put on, yes.

Would any information be provided to the journalist seeking details? - I can't comment. I wasn't the officer putting it on, so I certainly didn't give him information.

Was information ever made available to persons such as journalists seeking it? - Not by myself, no.

Would information be available to other police forces? - Yes.

Would it be available to local authorities? - Not by myself. I am not saying it wouldn't be. As far as I am concerned I have never given it to other people.

Are you aware of any policy regarding giving the information to bodies such as local authorities?/

authorities? - I would have to check with a senior officer before I gave information like that out.

What is the name of the officer you would go to check with? - I would go through my sergeant, Detective Sergeant Munro, who would possibly go above himself; but I certainly wouldn't give information to non-police persons without first checking.

You have said that you can't recall clearly when Constable Anderson first requested information from you. Could it have been after 25th January 1995? - It may have been.

And yet you said you found no information when you carried out the inquiry? - That is correct.

Are you aware why nothing would show up in response to that search? - No.

BY LORD CULLEN: Is it possible that there were earlier entries on the file which have been cleared off at some later stage? - No. The system has never been cleared. It only started in November 1993 and as far as I am aware no entries have ever been taken from it.

So there is no process, as far as this process is concerned, of weeding out has ever been put into operation? - No, not that I am aware of.

EXAMINATION CONTINUED BY MR. LAKE: Are you aware of prior entries being made to the system on the old paper method? - I am aware of it, that there was entries made on the paper system earlier in the service. I may not have done it myself.

And if there had been a paper entry made in respect of Thomas Hamilton would you have expected that to show up on the Textrack search? - Some of the old system was put on to the new system, but what I don't know, and I wouldn't have expected anything to come up. If there was nothing there there was nothing there. I wouldn't have thought "Oh, there should be", or anything like that.

Are the paper records still available for search? - Not to me.

Are/

Are they available to anybody? - No -- do you mean are they available to the whole of the force, or to anybody in particular?

Well, is a search ever carried out on the paper records in addition to the search carried out on the computer records? - No, not by myself.

So you wouldn't ever have had cause to consider the entries that might have existed within the paper records? - No.

CROSS-EXAMINED BY MISS DUNLOP: You have said that everybody in the force had access to what is on the system -- right? - Yes.

Does that extent to a civilian employee, for example a civilian firearms examiner? - Yes.

Is there any weeding-out before information is put on to the system? Is it ever the case that someone will read a submission and say, "This is not important enough"? - No -- it would never come through to Criminal Intelligence. I am not saying someone might not ask their sergeant: "Is this worth putting on?", and he would say "No", but I would never -- Criminal Intelligence, by its very nature, is a lot of hearsay -- as one entry says, it is third-hand, some of it -- so there isn't very much that wouldn't go into Criminal Intelligence. If there is any information at all, it can be put on Criminal Intelligence.

And that is presumably because it is recognised that it is important to put together as full a picture of somebody as possible, and so one can never tell what information might be relevant? - That is correct.

BY LORD CULLEN: I want to be a bit clearer about this business of transfer of information. You have said that there was a paper system, and that some part of that paper system was put on to the computer; is that right? - I believe so, yes.

But you are not able to tell me what types of information or what criteria were used? - No, I had no part of that at all.

And/

And that would be happening, if it did happen, at the time the new system came into operation, which was, remind me when? - November 1993 I think.

So from that point onwards you would have entries coming into the new system that were fresh entries plus a certain amount, you can't tell us what, from the old? - Yes.

All available on a single system? - All available on a single system.

Now, you said that the old paper system was no longer referred to? - That is correct.

I am not quite sure I understand that. The paper system was in existence and it contained entries made previously, and these were not all being put on to the new system. Wouldn't the paper system still be of some use? - I have no idea. There was no access to me to the paper system. I would never refer to it.

Can you tell us who would be able to answer these questions? - Possibly the Force Criminal Intelligence Officer.

Who is that? - Detective Constable David Plain.

No re-examination.

DONALD/

11.00 a.m.

DONALD WOOLLHEAD (48), Sworn:

EXAMINED BY MR. LAKE: Are you a Police Sergeant stationed at Falkirk? - That is correct.

How many years' police service do you have? - I have 28½ years' service.

Although you presently work in Falkirk, is it the case in January 1995 you were working at Stirling? - That is correct.

While you were situated at Stirling, do you recall making a criminal intelligence submission in relation to Thomas Hamilton? - Yes, I do. Can I clarify that I made two, if not three, submissions over a period of 10 years.

Is that 10 years prior to 1995? - That is prior to this date.

Do you recall in particular a submission made in 1995? - Yes, I do.

What were the circumstances of receiving information to make the submission? - I received a telephone call from a gentleman, a relative of whom lived in the Alloa area. The relative, who was a female, had a son who was attending at a boys' club in one of the schools in Alloa. This club was run by a party named Thomas Hamilton. Through the phone call I learned that the woman was not happy with the activities of the club, although she could offer no concrete evidence as to why this should be. However, she was unhappy with the person running the club and I was asked whether this person was a genuine person, if I knew the person and whether I had had dealings with that party in the past. I was unable to answer these questions because of the information I held and the source from where that information had come. All I could say was that I knew Thomas Hamilton and I personally would not be happy for any child of mine to attend one of the clubs.

And that is the information you gave to your informant? - That is the information I passed on to be passed further.

What/

What did you do with the concerns that had been expressed to you by the informant? - The informant, his concerns I put on to a criminal intelligence submission.

Can I ask you to have in front of you please Document DIntel FI DI0 which is document DI0 of I(III)? - Yes, that is a copy of the document which I put on the trace computer.

Do you see towards the top on the right-hand side, it is perhaps not copied well, "Date submitted" and then a date? Can you make out the date? - That appears to be 1995. 25/1/95.

Does that match your recollection of when you made the submission? - My recollection was that I made the submission more towards the end of 1995 but I made a submission. Having read the contents of this document, having scanned through the contents of the document, that is certainly the document that I submitted in respect of the call that I got.

And we have already heard reference to the third paragraph relating to concerns regarding photographs being taken of children who had been asked to strip for the purpose? - That's correct, yes. Can I say that the lady was concerned for her child but she was also aware that Thomas Hamilton, as she knew the person running the boys' club, had other outlets at other schools in Central Region. That is he was not only operating the boys' club in Alloa School.

You put this information into the computer yourself, is that correct? - Yes, that is correct.

Did you do anything else with the information? - I did nothing at all with the information apart from submit it on to the computer and thereafter it would be taken by a Department beyond myself.

When you say it would be taken by a Department, which Department is that? - It would go to the Criminal Intelligence Section who would I assume weed out what information they thought was of relevance and add it to anything that was current or live/

live within the system regarding the particular person or activities.

So if that information was together and if anyone had a particular concern regarding the welfare of children that would be available by persons other than yourself? - That's correct, yes.

Now, you said you made certain other intelligence submissions? - Yes.

What I would like to do is refer you to the contents of the Intelligence file to see if you recall having made any of the submissions contained there. If you could have in front of you Document DIntel FI, the contents of which I think form various items contained with I(III). Now, do you see I think it will be the second page within that is a copy of a flyer headed "Dunblane Rover Group"? Have you got that? - Yes, I have.

That is Document D2 within Folder I(III)? - Yes.

Do you recognise that? - I have seen such a document but I don't recall whether I submitted it or whether I saw it in the passing. I have seen such a document.

Have you had cause to look through this file previously? - No, I had no reason to look through..... I take it you mean the computer file?

Or this paper file? - No, I had no reason. I have not seen this computer file or this document file in the past at all.

But you might have seen this particular document? - That document. To let you understand, I knew Thomas Hamilton in the early 1970s.

How did you know him? - I was involved with the Boy Scout Association in Bannockburn in the early 1970s. Thomas Hamilton at that time was involved with the Boy Scout Association in Stirling. We met in passing. I knew that Thomas Hamilton had left the Boy Scout Association under a cloud. I was aware of that and I was also aware that he thereafter/

thereafter began to start up what he termed a group in opposition to the Scout Association and that was known as the Rovers. I know in particular that he involved parties, boys, from the Fallin area in his Rover Group. I know in particular that I typed out..... at that time it was a typewritten submission that was submitted in connection with criminal intelligence and I know I typed out and referred such a submission to my senior management in respect of the Dunblane Rover Group and in particular in connection with Fallin boys.

Can I ask you to look through that folder in front of you please and see if you can identify the submissions made by you? - No, there are no submissions that I can find, typewritten or otherwise, which were submitted by me within that folder.

They may have been submissions that were weeded out as part of the ongoing review of intelligence information? - Yes, they could well have been. They went back several years.

Can you recall when you made these two submissions? - The submission regarding the Rover Group was made just after the Rover Group started and I know that that, according to the flyer, is 1981.

What was the subject matter of that submission? - The subject matter was purely that Thomas Hamilton had started up a group known as the Rovers in opposition to the Scout Association and that he had in fact influenced some boys from Fallin to join that group. The influence was in the way of transport to the group, camps which were largely paid for by Hamilton and on occasions he would take boys in his vehicle and buy them chips, sweets or whatever on the road back from camp or from a meeting. There were only certain boys apparently received this treatment and these were the favourites.

And why was that submission made? - The submission was made because I had known Thomas Hamilton in the 1970s and I disliked Thomas Hamilton. I knew him through the Scout Association and I knew how the Scout Association finished with him. I did not like what I had heard in the background/

background regarding Thomas Hamilton's Rover Group, nor the activities to which he put boys in the Rover Group. I had no evidence whatsoever to suggest there was any criminal intention but my own thoughts, even in the 1970s, were that Thomas Hamilton was just not quite kosher. He was not one I particularly liked and I would certainly steer clear of him and that was in relation to the activities with camps and visits and with transport in connection with the young lads.

When did you make the second submission which you referred to? - I'm not certain about that but I certainly made one submission in connection with the Rover Group which to me was the first submission. The second one was when he gave up the Rover Group and began to take a school let. I think there was only one school let in Stirling of which I am aware. This was on a similar basis to the latter school lets which were reported by me to Criminal Intelligence. My information was that he had taken a school let in a school in Stirling with the intention of starting a boys' club. That is when the Rover Group folded. The Rover Group, as a matter of interest, folded I think because of local gossip regarding Hamilton.

So your concerns in the second submission would be broadly as those in relation to the first submission? - That is correct. The second submission referred to one school and then it became quiet for a while when that boys' club in the school folded and then this again came to light in 1995 when Hamilton re-appeared on the scene. I am not saying he has not been on the scene in between times but he became visible on the boys' club scene.

Were you ever asked for information about Hamilton by another police force? - Yes, I would imagine this to be the late 1970s or the early 1980s. I'm not aware of the exact year even. I received a phone call from an officer at Dumbarton, which when verified was certainly the Police Station at Dumbarton, regarding an incident at Loch Lomond where Thomas Hamilton's boat had gone on fire. According to the officer, there had been a camp with lads at Loch Lomond and during some activity the boat had been burned so severely that the boat was written off. I was asked by the officer for a background on Hamilton and was there any reason why the/

the boat should go up in flames. In other words, did I know of any reason why he should burn his own boat as it were. I explained that Hamilton had been the subject of a submission by me but that I had no reason whatsoever to consider that Hamilton was criminal, was up to any particular criminal activity or had any criminal intentions. I knew Hamilton as I made the officer aware but I could give no reason why he would deliberately set a boat on fire if that is what the officer meant. I was able to give him purely a scanty background but certainly without any concrete evidence of any criminal activity.

CROSS-EXAMINED BY MISS DUNLOP: There is really just one matter I would like to ask you about. If I can take you back to your submission dated 25th January 1995? - Yes, I have it here.

Do we see from that that you have recorded at that time boys were being encouraged to strip in order that photographs could be taken to show the shape of their bodies? - Yes, that is correct.

And that they were being told by Hamilton that the photographs would be sent on to other parties involved in professional football? - That is correct.

And that that could lead to careers as professional footballers for the children concerned? - Yes, that is correct.

Would it be fair to say that what you are recording here is a deception by Hamilton of the children? - I think deception conjures up some form of criminal offence and I am really not aware that I could agree with you on that.

I am not actually suggesting a criminal offence. I am just suggesting that he was encouraging them to submit to this activity without in fact honouring the promise or perhaps had no intention of carrying out what he had undertaken to do? - I would agree that as far as I am concerned I know of no outlet between Hamilton and any professional footballer that would allow Hamilton more access to boys being presented at a football club than any other source. I would agree there. Probably/

Probably, yes, I will say that Hamilton gave them a goal but it was a goal that as far as I was concerned he could not keep with the boys.

Yes, I quite understand what you say, that that may not be a criminal offence, but it would be deceitful conduct, wouldn't it?  
- It is very difficult to say. I think schools pupils are given goals. "If you do this then perhaps you will receive some form of accolade" or "If you keep to this you will be physically fit" but really it is left to the boys. Certainly there was no medal, there was no merit at the end because the merit didn't exist. He didn't have the contacts.

No re-examination.

SCOTT THOMAS DEWAR (24), Sworn:

EXAMINED BY MR. LAKE: What is your occupation?

- I am Computer Services Manager for Central Scotland Police.

Is that within their Headquarters in Stirling? - I am based in Alloa.

For how long have you worked as Computer Services Manager for the Police? - For three years now.

What are your responsibilities as Computer Services Manager in relation to intelligence gathering? - Just the day-to-day maintenance of all the databases, including intelligence and the associated network.

You say maintenance of databases? - Crime reports, vehicle offences, intelligence, they are all databases.

Do you compile information? - No, I don't.

You merely manage the computer system that contains them? - Yes.

We/

We have heard already this morning that there are four computers which all link into an archive, a central archive containing information? - Yes.

Do you deal with all of these matters? - Yes.

We/

11.20 a.m.

We have heard the system this morning referred to as the Memex. Is that the one dealt with by you? - Yes, it is.

And searches being made on that system by way of Textrack? - Yes.

Do you also deal with a system called Trace? - Yes.

Is that the same system? - Yes, it is.

It is really a third method of getting the same set of information? - Criminal Intelligence is part of the Trace system. They all run on the Memex information engine which maintains the databases.

Are you aware of any difficulties that arose about last year with the transfer of information from local stations to the Archives? - Yes, I am.

What was the nature of that problem? - The problem was that entries on the Alloa machine were generating numbers which should have been unique to entries for Stirling. As a result when they were sent to Archive they were over-writing the Stirling entries. For example, if there was an Intelligence entry 10 for Alloa when it was saved it was over-writing the Intelligence entry 10 for Stirling.

What should have happened to the Alloa entry? - The Alloa entry should have had a unique number. The numbers are formed in such a way to establish which station the entry was made, and the numbers started with 0 originating from Stirling to 2 for Alloa, and the entries for Alloa were coming with a 0 at the start which indicated it was a Stirling entry, and that is how they are identified.

What would the effect of that be for someone interrogating the system? - If somebody interrogated the system locally like on Alloa they would see all the entries on that particular Intelligence entry 10, and if somebody interrogated Stirling they would see Intelligence entry 10 which should/

should be different, and when they interrogated the Archive machine they would see whichever was the last saved. If the last saved was Alloa or Stirling they would see Intelligence entry 10.

If someone was merely interrogating the system within their local office they would purely provide local information? - Yes.

If someone wants information of other entries they have to go to the Archive system? - They don't physically go there. They can interrogate this on a remote database.

And which area was over-writing according to you.....? - On the Archive the Alloa entry was over-writing the Stirling one.

Are you aware of when this problem first started? - I think it was in July of this year, about the middle of the year.

When did it come to light? - Towards the end of 1995 or perhaps the start of this year -- it was December or January.

During the time in which the problem existed and had not been detected what would the effect be for somebody interrogating the Archive system for information which should have been under a Stirling reference and had been affected by the Alloa submission? - They would see the Alloa version with the same unique reference number. They would actually see what had been saved in Alloa as opposed to Stirling.

So someone interrogating the Archive would not find the information which was contained within the Stirling local computer? - After the problem had started, yes.

After the problem was discovered was it possible to restore that information? - Yes. Basically it involved re-numbering the Alloa entries which had been given Stirling numbers.

For a period someone interrogating the Archive system would have an incomplete picture of the Intelligence submissions that were available? - Sorry.....? Could you say that again?

Someone/

Someone interrogating the archive would have an incomplete picture of the Intelligence submissions available? - Yes.

I would like to refer you to three Intelligence submissions and ask you to indicate whether you are able to say whether these were affected by the problem. The three submissions are DIntel F1, D10, 11 and 12 which are documents D10, 11 and 12 in Volume I(iii). You will see first this is a submission created on 25th January, 1995 and appears to be in respect of Thomas Hamilton? - Yes.

As regard the unique code number, is that the one at the top left-hand reference CIURN? - That is correct.

Are you able to tell from that number which local computer this information came from? - That would indicate it was a Stirling entry.

Are you able to tell whether this entry would have been affected by the problem which arose which you say was in mid-1995? - After investigating, yes, I can tell it was affected.

So someone searching the Archive system while the problem existed would then have found this submission? - Yes.

Can I ask you to look at D11. Are you able to tell from CIURN where that entry came from? - Yes, that was a Stirling entry also.

Would that have been affected by the problem that existed? - Yes.

Can I ask you to look at D12. Again does the reference there tell you which office created that submission? - Yes, again it is Stirling.

And would that have been affected by the problem? - No.

Why was that? - As I explained, the Alloa machine was generating Stirling numbers, and there are not as many entries in general from Alloa, and it is basically a counter which operates, and Alloa has never actually reached 1498 yet. So the Stirling entry was still entered in the Archive.

Has/

Has the information contained in D10 and D11 been restored to the Archive system? - Has it been?

Has it been? - Yes.

Are you able to tell on what date these two entries would have been over-written by the Alloa entries? - Yes, I can tell.

Can you say when each of these are over-written? - Entry 654 was over-written on 18th September, 1995, and entry 728 was over-written on 9th December, 1995.

So the first one D10, what was the date of that, when it was over-written? - 18th September, 1995.

And the second of the set, D11, was over-written on.....? - 9th December 1995.

So that would have been available on the Archive system for inquiry prior to these dates? - Yes.

Are you able to tell by means of the system when particular entries have been thrown up for searches? - I can tell when searches have been made. For example, a query on Thomas Hamilton, it doesn't actually tell you what that returned, and I would then have to go and investigate and look at the dates of the submissions to see Yes, that entry would have been there. For example, if there was a search on the 5th of May I would see that in the entries but I wouldn't see the date when the entries returned. I would then have to perform the query myself and infer which records were available.

Have you been able to find whether any inquiries were made of the system regarding Thomas Hamilton as from March, 1995? - Yes. As I recall there was an entry I think the first week in February, perhaps the 8th, there was a query regarding Thomas Hamilton, and that was a query that was supplied by the user.

The system did provide information in relation to Thomas Hamilton? - Yes.

You/

You said that would be the first week in February? - I think it would be 8th of February. I would need to check my records to be sure.

Are you able to say what was being thrown up by that search on the 8th February? - I couldn't tell you just now. I would need to check that to see what was done. But there was an entry regarding Thomas Hamilton.

Can I ask you to look at D10 again please. That was one which we have heard evidence was submitted on 25th January, 1995. Would that have been available when the search was made on 8th February? - That should have been available, yes.

Are you able to say whether any other entries would have shown up in the search on 8th February? - I think there may have been other entries but not in relation to Thomas Hamilton the deceased.

It may be another Thomas Hamilton? - When we perform a search, if they state "Thomas Hamilton", the way the Intelligence works it will return all the entries containing "Thomas or Hamilton" or if there was reference to "Hamilton Street" or also someone called Thomas, it would also return that. You would then have to look through the entry itself to see why it has been returned to you.

In your capacity as the person responsible for maintenance of the computer databases, have you had responsibility for considering the transfer of paper entries to entries held on computer? - No.

No cross-examination.

MR. LAKE: My lord, the next matter is a letter which has been submitted to yourself regarding a parent's misgivings about clubs run by Hamilton. A copy of that letter has this morning been supplied to all the other parties and with permission I would now propose to read this letter out rather than call the person as a witness to give evidence.

LORD CULLEN: Has this person been told this/

this is to be.....

MR. LAKE: No, they have not been told. I would propose not to identify the person.

LORD CULLEN: That was my other question. My first question was whether contact had been made with this person to find out.

MR. LAKE: As I understand it has not.

LORD CULLEN: I just wondered whether this would be preferable.

MR. LAKE: In those circumstances contact will be made.

LORD CULLEN: I think I would be happier if contact was made. I appreciate you do not want to identify, but I think -- I am obviously interested in what is contained in the letter otherwise I don't think you would be dealing with the matter in this way, but I think in fairness to the person that person ought to be informed what is proposed.

MR. LAKE: Efforts will be made to contact that person. In those circumstances the next witness is Mr. Mather who will be examined by Mr. Bonomy.

COLIN MATHER (38) Sworn

EXAMINED BY MR. BONOMOY: I think you hold the rank of Chief Inspector in Central Scotland Police? - That is correct.

That is at Police Headquarters in Stirling? - That is correct.

How long have you been in the police force? - 19 years.

What is your present role at Police Headquarters? - I am officer in charge of the Chief Constable's staff office, which is my most primary role in relation to the Chief Constable and Deputy Chief Constable. I also have responsibility for the Firearms/

Firearms Licensing Department, the Resource Unit and Research and Development.

So your role in relation to firearms is distinct from your role as Chief Inspector, as part of the staff office of the Chief Constable? - Yes. Firearms is only a small part of my responsibility.

Can I ask you what is your current role in relation to firearms? - I am the officer who is in overall charge. However, I don't have -- I have very little day-to-day dealing with firearms, that is performed in the Firearms Department by civilians. If there is any problem attached to any particular application this is dealt with by the Inspector who is my second in charge.

Who is the Inspector who holds that post at present? - Inspector Jill Dewar.

That is a post you previously held? - Yes.

Until when? - Until August of last year.

In August of 1995 was the current system for dealing with firearms applications already in force? - Yes. It was a system which changed since I joined the Department in 1994, and there was a gradual process over that period of time, so it actually changed between March 1994 and August, 1995. It is now completely civilianised, apart from where there is a problem in which case they go to the officer in charge.

Hamilton's certificate was last renewed in February, 1995? - That is correct.

At that time was the system currently in operation then in operation? - No, it was slightly different then. Now it is dealt with, it is purely civilianised, and unless there is a problem it goes to the Inspector. At that time we were in the process of completely civilianising, and what happened then was the file came through to the Inspector, which should be myself, and what I would do about it, if there was a typed certificate that the Deputy Chief Constable would sign and the RL3A form -- if it is recommended by the local Unit Commander that the firearms certificate should be granted/

granted all I would do then is simply check the LR3A form to ensure in fact it was recommended by the local Unit Commander and thereafter sign it and place the certificate for the Deputy Chief Constable. I wouldn't actually go through the files or the information in the files unless some problem was brought to my attention.

Now, /

11.40 a.m.

Now, by "complete civilianisation", do you mean that both the administration within the office and the interviewing and inspections that need to be done outwith the office are all done by civilians employed by the Police Force? - No. The administration is all done by civilians. However, one of the civilian members -- I said there are two -- is actually a firearms examiner. He not only has an administrative role, but he also is a field officer; but by virtue of the fact there is only one, he can't cover the whole force, so he takes on board some firearms inquiries in the field for the renewal of firearms certificates. The rest of the force, the inquiries are carried out by operational police officers.

So it really is wrong to describe this as "completely civilianised"? - No. The administration is heading for, that is the way this has to go, it is to be completely civilianised. However, the actual inquiries, that is not civilianised, because this is carried out by police officers in the main, since we only have one firearms examiner. The administration is all civilianised in respect that now they deal with the applications; if there are no problems, the certificate is printed out and the civilian members of staff place these certificates in the Deputy Chief Constable's basket for signing. There is no involvement after that administration.

If there are problems, where is it that they are likely to be identified? - Well, there may be a number of ways. The first one is to receive a report from the Operations Division, or from any other member of the force. It is part of the Standing Orders that any member of the force who comes across information which may have a bearing on the suitability of a person to hold firearms, must notify headquarters of that. It could be picked up from a person receiving a conviction, or through the SCRO system. If a pending case is notified to our SCRO bureau, then that should be notified to the firearms administration. On SCRO there is an indicator which tells the operator that the person is the holder of a firearms certificate.

So what you are saying is that material information/

information gathered by police officers has got to be communicated to the Firearms Department if it relates to the holder of a firearms certificate and his behaviour with a firearm, or any other behaviour relative to the holding of the firearms certificate? - That is correct, only if it is relevant to the holding of the firearm.

And when the renewal is dealt with the civilian staff in the Renewals Office ought to pick up that information? - Yes, and they would automatically bring that then to the attention of the inspector.

And that information will be contained in a separate file for each firearms certificate holder? - Yes, each firearms certificate holder have their own file, and that information would be placed in that file.

That is one area in which problems may arise or be discovered? - Yes.

Where else might one expect problems to be discovered? - Well, as I say, from the SCRO, if a person is charged with a crime we don't need to wait till there is a conviction, because that is automatically notified to the SCRO bureau.

So can I take it the civilian staff are bound to check SCRO for information on the application for renewal? - No. They receive that from the SCRO bureau automatically, because when the pending case comes in they automatically notify us if there is an indicator on the SCRO that the person is a firearms certificate holder.

So this is another way whereby information should get on to the firearms file? - Yes.

When a renewal is being dealt with is there this duty then to double-check SCRO? - No, because there are far too many -- certainly not in the Firearms Department.

You assume the information will already be on the file? - Yes, or at renewal time the inquiry officer must check SCRO and PNC, just to double-check, but when it comes into the Firearms Department/

Department we don't double-check what the inquiry officer has already done.

What about Criminal Intelligence? Do you check that? - No. That is the job of the inquiry officer, to check that.

That means that one of the areas in which a problem can be thrown up is by a double-check, as you call it, of SCRO? - Yes.

Another is a double-check, or a check by your inquiry officer of your Criminal Intelligence file? - Yes.

So we are relying in this area on the inquiry officer, who is a policeman? - That is correct.

Not a civilian? - Well, the firearms examiner is a civilian. He covers part of the force.

And at the moment he is working in which area? - In the Falkirk area.

How many other areas are there? - Well, there are three local authority areas. He has already covered Clackmannan and part of Stirling. He hasn't covered Dunblane and Callander areas and what have you, but is purely renewals he deals with, not the grants.

But at the moment while he is dealing with renewals for Falkirk, are there renewals coming through for Stirling? - Yes, numerous.

And they have got to be dealt with by ordinary police officers? - Yes that is correct.

And inquiries have to be dealt with by ordinary police officers? - Yes, that is correct.

So we are relying on them to do the SCRO check and the intelligence file check? - Yes.

We are also in these areas relying on them to carry out the other necessary inquiries relating to checking up on a person who is applying for renewal of a certificate? - That is the inquiry/

inquiry officer?

Yes? - Yes, that is correct.

And that may throw up a problem? - Yes, that could throw up a problem.

Now, can we look at what happened in relation to Hamilton's last renewal and see if we can then get some context for this evidence from that? Could you look please first of all at his application form which is -- well, in the Volumes it is D91L, FA61. Now, is that the application form? - Yes, that is correct.

Now, you have been given just a form I think, and probably a letter from Central Scotland Police to Mr. Hamilton; is that right? - That is correct, yes.

And that is the letter reminding him that his firearms certificate is due for renewal? - That is correct, yes.

The letter has the renewal date, 14th February 1995 on it? - That is correct.

When would that be sent out? - That would be sent out at least a month before, probably at the beginning of January.

And the form would go with it? - Yes, the form should go with it.

Now, you have been handed it as a loose piece of paper, a form and a loose piece of paper. When the investigating officers in the present inquiry went looking for this where would they find it? - That should be in his Firearms File.

Is this a big file? - Fairly, yes.

And it would include all material relevant to his Firearms Certificate? - Yes, a history, his Firearms Certificate history.

The form we now see, is that the current style of form? - Yes.

It is accompanied by photographs? - Yes./

Yes.

He is bound on renewal to provide? - Photographs.

How many? - Four.

Anything to be done in relation to any of these? - The person countersigning the form should also sign one of the photographs to say that it is a true likeness of the person.

One of the photographs then goes on to the actual Firearms Certificate? - Yes.

Because we have only got three here? - Yes.

The person who countersigned this form, you will see, was Robert Oliver Campbell? - Yes.

From Stirling? - Yes.

He has to fit into one of a number of categories of suitable people to sign such forms? - Yes, that is correct.

What are these categories? - Just that they are reputable people. The categories have actually been extended. There is a list provided -- for example, members of Parliament, doctors, clergy, etc., but because of people living in rural areas where they might see these people not very often, then as long as it is a reputable person, then that can be extended.

If you go to the back of the form I think there is some guidance for completion of the form? - Yes.

And No. 6 is guidance in relation to the countersignatory? - That is right, yes.

Could you read that please? - "When you have completed the form, it must be countersigned in ink (in respect of an application made for the grant or renewal of a firearms certificate) by someone who is resident in Great Britain and who has known you personally for at least two years. A relative must not countersign. The/

The countersignatory must also be a member of Parliament, Justice of the Peace, Minister of Religion, doctor, lawyer, established civil servant, bank officer or person of similar standing. The countersignatory must also endorse in ink the back of one of the four photographs submitted with any application for the grant or renewal of a firearms certificate by writing the words 'I certify that this is a current true likeness of Mr., Mrs., Miss or title.....' and signing it with his usual signature and the date the likeness was compared. The applicant should also sign in ink the back of one of the photographs. A countersignature is not required in respect of an application made for a variation of a firearms certificate".

And I think if you just read the last part, Part 7, rather? - "The person who countersigns the application is required by the Firearms Rules 1989 to declare that he knows of no reason why the applicant should not be permitted to possess a firearm. The countersignatory should therefore be aware that the Firearms Act 1968 requires a Chief Officer to be satisfied that an applicant can be permitted to possess a firearm or ammunition without danger to public safety or the peace, and that the Act prohibits the grant of a certificate to any person whom the Chief Officer has reason to believe to be prohibited from possessing a firearm, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with a firearm. Countersignatories should bear in mind the character, conduct and mental condition of the applicant in so far as they are relevant to these matters".

Now, if you go back to No. 6 there, you will see the list of people ended with the words "or person of similar standing"? - Yes.

Now, are you saying for rural areas in Central these words are interpreted loosely, or are subject to some other qualification? - Well, they would be subject to qualification in that if somebody was a countersignatory who didn't fall into that, there would have to be some good reason. Provided the person is an upstanding citizen, then that may be allowed, but each case would be taken on its own merits. I mean, there could be a good reason why a person here can't sign; but generally speaking/

speaking these are the professions that we would look for on a certificate.

If a school teacher for example signed it, would that be acceptable? - Yes I think it would.

And that would be generally acceptable, not just in rural areas? - No, that would be general.

Now, if we go back to the beginning, to the front of the form, that is taken up with personal particulars of Hamilton; is that right? - That is correct, yes.

And that includes address, phone number and business. In his case he was asked to say what his occupation was, and in 1995 he gave what occupation? - Photographer.

Just to confirm the date on which he signed the application form, was 15th January 1995? - That is correct, yes.

And indeed Mr. Campbell signed it that day as well? - That is correct.

Going back then to the front, I think question 14 is: "Have you now or have you ever had epilepsy, and (b) -- (a) was epilepsy, and (b) was "any form of mental disorder"? - That is correct, yes.

And Hamilton answered no to both of these? - Yes.

And question 15 I think is: "Have you been convicted of any offence"? - That is correct.

And he answered no to that? - That is correct.

Over the page we then get details of the firearms and ammunition in his possession; is that correct? - That is correct.

And what were the firearms he had at the date of the application? - He had a 9 mm Browning pistol/

pistol and a .357 Smith and Wesson revolver.

Can you just give the serial number of the Browning first of all? - The Browning was 245 PZ69756.

And the revolver? - And the revolver was 48 K8754.

I think question 17 then seeks details of firearms which you are authorised to purchase or acquire by your current certificate and which do not appear above"? - That is correct, yes.

Now, he listed four? - Yes.

Can you read out what these were? - Yes. A 7.62 mm rifle, a .22 rifle, a .375 revolver and a 9 mm pistol.

Now, could you also have in front of you D87L, which is, or may be, Form 192MD -- does that mean anything to you? 102MD? Sorry, it is FA57. Now, is that Hamilton's Firearms Certificate for the period February 1992 to February 1995? - That is correct, yes.

So that would be issued to him when he applied for the renewal before the one we are dealing with at present? - Yes.

Just look at the weapons he had at that time. Did he have the same two weapons? - Yes, 9 mm Browning pistol and a .357 revolver.

And just look at the weapons he wanted to have. Did he want to have the same additional four weapons? - Yes, he did.

So three years later in 1995 that is still the position? - Yes, that is correct.

I think that question 19 then relates to the amount of ammunition in his possession at the date of the application? - That is correct, yes.

Now, he lists 9 mm, 643 -- presumably that is rounds? - Yes.

.357, 203? - Yes.

Now,/

Now, these are both the calibres of weapons he possessed at that time? - That is correct, yes.

The next one is .38 Special, and he has 11 of them? - That is correct.

Would they fit a .357 revolver? - They would fit a .357 revolver, yes.

So they could go with the Smith and Wesson revolver? - Yes, that is correct.

He then says he has no .22 ammunition, but then he says he has 100 7.62 mm; is that right? - Yes, that is correct.

Now, he doesn't at that stage have a weapon 7.62 mm? - That is correct.

Would you go back to the Firearms Certificate that you had in front of you a moment ago. That won't tell you what he possessed at the time, but it does say he had authority to purchase 7.62 ammunition? - That is correct, yes.

Now, I think he also had to state at No. 20 the amount of ammunition he wished to have in his possession at any one time? - That is correct, yes.

Did he list the same five categories of ammunition? - Yes, that is correct.

How much of each did he want to possess? - 1,500.

A total of 7,500 rounds of ammunition? - That is correct, yes.

Did he also at 21 have to say how much he wanted to purchased at any time? - Yes, that is correct.

For the same five categories? - Yes.

And what did he say? - 1,000.

Now, in the period while you were administering the Firearms Department as the inspector/

inspector with more hands-on -- a greater hands-on role than you now have? - Yes.

Were these sorts of figures common in applications for firearms certificates? - Yes, because the Guidance stipulates that there should be no arbitrary limits placed on ammunition or firearms.

That is Home Office Guidance to the police? - That is Home Office Guidance to the police.

But/

12 noon

But my question is were these figures common? - Yes, I think they would be. I should say that this particular point I would not go into any detail to check that. That would be available purely for administration but I know that these types of amounts would probably be common, yes.

Do you know whether there were examples at that time, February of 1995, of applicants to your Police Force being authorised to hold more than 1,500 of any particular type of ammunition? - I couldn't answer that. I don't know. That would be available in the Firearms Administration Office itself.

Now, No. 22 is the question "Give the reasons for requiring each of the firearms and ammunition listed at 16 to 21"? - Yes.

What is the answer to that? - "Target shooting."

And nothing more? - Yes.

That is all? - Yes.

And then at 23 "Where do you intend to use each of the firearms listed"? - "At ranges as per Condition 5 on Firearms Certificate 4588".

What is Condition 5? - Do you want me to read it out?

Yes? - "The firearms and ammunition to which this certificate relates shall be used only on ranges in respect of which a safety certificate for that class of weapon has been issued by the competent military authorities and has not been revoked or on ranges controlled by the Ministry of Defence if permission to use the range for that class of weapon has been given and has not been revoked".

Now, I think the next question, 24, is "Where will each of the firearms listed or ammunition listed be kept when not in use and what arrangements have been made for their safe custody"? - Yes.

And/

And the answer is? - "7 Kent Road/as previous".

So he must have given previous information? - Yes, it would be in his previous application forms.

And it is clear from the rest that he is applying for a renewal of Certificate No. 4588, is that right? - That is correct.

Now, you mentioned that this would come to you accompanied by a particular form completed by other people within Central Police? - That is correct. An RL3A form.

Would you look please at DI06 which is FA63? Is that the RL3A that relates to this application? - Yes, that is correct.

And we see that it has been completed by a reporting officer called Anderson? - That's correct, yes.

That is a Woman Police Constable? - That is correct. Diane Anderson.

It has then been signed by a number of other people. Who are they? - First of all by her Sergeant, Sergeant Donald Cowan and then her Inspector, Inspector Ian Cameron. Then if you look a wee bit further down where the stamp is, where it is marked "Recommended by", Superintendent, now Chief Superintendent, Jim Moffat who was at that time the local unit commander at Stirling.

And then if we go further down? - And then it has my signature at the bottom.

It is stamped there as well the 1st March 1995? - That is correct.

Is that when you put the signature on? - Yes, that would be.

Can you tell us what you were doing by applying that signature to the form? - Well, basically I was checking that there was..... that would be about the only form I would check. I would be looking to see if there was any information that/

that was being brought to my attention as regards the suitability of the applicant. If I received the file through with the certificate they are ready for signature and I checked that particular one was "Yes", that was the suitability of the person, that there was no trace on the PNC or the SCRO computer, that he was a member of a gun club and that was all verified and the guns and probably most importantly at the very end that the local unit Commander had recommended that it should be accepted then that is basically my checks.

Now, can we look then at the various questions and how they were dealt with. Looking at Question I, that is "Is the applicant a suitable person to hold a firearms certificate?" and the answer was? - Yes.

And that is the answer given by Constable Anderson?  
- That's correct, yes.

She is also obliged to check the PNC and SCRO? -  
yes.

Which is the Police National Computer and the Scottish Criminal Records Office Computer? - That is correct.

What would the Police National Computer tell her of relevance to this enquiry? - Well, it would tell her that there was perhaps a warrant in force for that person or perhaps convictions in England. That is basically the main function of the PNC. To check the person isn't wanted.

Will the SCRO throw up more than convictions? -  
Yes, it will throw up that the person is a holder of a firearms or shotgun certificate. There is an indicator on that.

Will it throw up pending cases? - Yes, it does.

Or if someone is on bail for example? - Yes, bail, it would. They don't have to be on bail.

But if they were on bail for a pending trial for something, that would come up on SCRO? - That is correct.

If/

If there was a pending case at all where the police had charged someone and it was simply awaiting processing by the Procurator-Fiscal? - Yes.

That would show up? - That would show up, yes.  
That is correct.

Or should show up? - Should, yes.

But there is nothing in relation to Hamilton on that score anyway? - No.

Is it also one of the Standing Orders now of the Central Force that a check should be done with Criminal Intelligence? - That's correct, yes. There was an Order released about 1990 to that effect.

So there is no sign there that Constable Anderson has done anything wrong on the face of it? - No.

Question 2 was "What are the applicant's reasons for requiring the firearm or ammunition for which application is made? If for competition, applicant must be a member of a club. If for sport, applicant must have land permission. Specify reasons for each firearm"? - Yes.

Now, what is the information that Constable Anderson got on that? - "Competition and target practice with Stirling Shooting and Pistol Club".

What check would you expect to be made on that information? - To confirm that he was a member of a club?

Yes? - Well, we have a list of the members of some of the gun clubs. That one we do have a list. I would also expect an enquiry officer to ask the applicant for confirmation by membership card or some other means that he was in fact a member of the club. In any case, to confirm that he was definitely a member. At the last resort presumably, and certainly if it was myself, if there was no forthcoming membership card or some other means of confirming, I would check with the Secretary of the club.

That/

That is if you were the enquiry officer? - Yes, if I was. That is what I would expect the enquiry officer to do, though.

Well, there is in fact an indication on this form that any of that has been done. All we simply have is a statement which could be no more than a declaration given to the enquiry officer by the applicant? - Yes, it could be, but the basic training of the police officer and the Standing Orders, I would expect it would be basic police work if the person says he is a member of a club that they could confirm that.

Is any effort made to check up on how regularly the applicant is shooting at the club? - No, not to my knowledge. Certainly again I would expect the enquiry officer to at least check with the applicant and speak with the applicant regarding shooting arrangements and how often they go but other than that, no.

Well, is that right? Would you expect the officer to ask how often? - Well, I would expect them to enter into some kind of conversation but I would not expect them to sit down and ask them "When did you last go? How many times?" or even get in touch with the club to see how often they go because their evidence they are a member of a club is enough to satisfy under the current guidelines.

BY LORD CULLEN: Does that mean also you would not expect the enquiry officer to ask these questions firearm by firearm? - Is that No. 3?

No, I am looking at the reasons? - Yes.

You were saying there might be a limited amount of enquiry made as to whether a person was attending a club and putting firearms into use but would you expect the question to be put as to the particular firearms? - Yes, the good reason must be for every individual firearm.

Well, I know that but would the questions be directed to each? - They should be, yes.

So/

So you might expect the enquiry officer to find out whether the existing holder is making regular use of each individual firearm? - Well, I would expect the officer to check the firearms the person has or has asked to be allowed to acquire or purchase and if these fall within the criteria for target shooting and pistol shooting then all I would expect him to do is to ensure that the guns that the person has can be used at the pistol club and he is in fact a member.

So you would not expect the question to be put directly to asking whether each individual weapon had in fact been used? - No.

EXAMINATION CONTINUED BY MR. BONOMOY: But that may happen in the course of what I think you are really describing as a casual conversation? - Well, it is part of the enquiry. I would describe it more as an interview rather than a casual conversation.

Now, would the officer who carried out the enquiry have the existing firearms certificate with her? - No, the applicant would have that.

He never returns his firearms certificate? - No, because he needs it if he is wanting to purchase anything.

Is it part of her routine to check his existing firearms certificate? - No, I would not expect her to do that particularly.

One of the oddities in this case is of course that Hamilton does not appear to buy ammunition commercially for a long time? - Yes.

So can I take it that enquiry would not in fact reveal that? - No, I don't think so.

Now, the third question is in relation to the firearms held and it does say "must be physically checked by enquiry officer"? - Yes.

And you do have full details of each of the two firearms which he held typed into the form? - Yes, that is correct.

So there is nothing on the face of it wrong/

wrong with the way Constable Anderson did that? - Not on the face of it, no.

And we then have the question "If the applicant holds or seeks to hold duplicate calibre firearms, state reason below:"? - Yes.

She has got information on that also typed in? - Yes.

What was the information? - "The applicant requires duplicate calibre firearms V12, two 9mm pistols and two .357 revolvers for the different disciplines in which he participates in his gun club".

Now, there is no specification in there of what these different disciplines are. Would you expect that? - Not particularly, no. Not under the current guidance. The good reason for having duplicate calibres could be, as it is at the moment anyway, that they need a spare weapon.

Well, a spare weapon would not relate to different disciplines. That would presumably be a spare for the same discipline? - Yes. Well, I would not expect..... because what happened is the form comes into the Firearms Department and the firearms examiner who is the expert in the different disciplines would tell us that these guns could be used for different types of target shooting and what have you but there is no stipulation to my knowledge, provided these guns are able to be fired at a gun club, which prohibits them from getting duplicate calibre weapons as long as they are for the discipline.

When you sit down afterwards, though, and begin to analyse this and you look at an answer like that, you can see that there is an element of confusion in it, that you have got a man seeking to have authority for two 9mm weapons and two .357 revolvers? - Yes.

Now, they might individually be for different disciplines, in other words, there might be four different disciplines or there might be a 9mm discipline and a .357 revolver discipline but you don't get the answer to that by looking at what has been typed on this form? - No. Perhaps it could/

could be worded a little bit better but, as I say, the fact is that there is very little reason required for having a second or duplicate calibre weapon. Merely, as I say, it can be the simple fact that they need a spare and that is why I would not read into that when I would be checking the form in great depth.

We have had one witness in this Inquiry, I think it is Mr. Moffat, who told us that he thought it was difficult to get permission to have two weapons of the same calibre but that is inconsistent with your understanding of how Central Police operated at the time? - Yes, my assertion would be it is very easy to get two duplicate weapons because the guidance does not allow you to prohibit any person from having more than one calibre of a particular weapon. As I say, it could be a simple reason as simple as he needs a spare gun and there is no way you can prevent him getting that.

If we turn over the page to Question 5, that deals with the locations that were put into the application form and that is approved gun ranges and the question is whether they are suitable for the use of the firearms held or to be acquired? - Yes.

What is the answer to that? - "Member of the Stirling Rifle and Pistol Club, which meets and shoots at various military ranges in the area. The applicant has been a member of this club for some 18 years."

So on the face of it enough information to satisfy the enquiry officer? - Yes, the fact he has confirmed he is in fact a member.

And then the Question 6 was "What arrangements has the applicant made for the security of his firearms?"? - Yes.

What is the answer to that? - Firearms kept within lockfast cupboard within hallway. Thereafter within lockfast cabinet which is secured to wall. Ammunition kept within separate lockfast cabinet within another room".

On the face of it, satisfactory? - Yes.

So/

So as a result of studying that form it would appear every officer, and ultimately yourself, have signed it with approval? - That is correct. There is no information there at all to indicate that he was unsuitable to have his firearms certificate renewed.

And from you, where did the form go? - Well, the form goes for the final signing to the Deputy Chief Constable.

He does not actually sign this? He signs something else? - He signs the certificate.

The officer who carries out the enquiries, does she, when she enters the Police Force, get training on how to go about this? - Yes, she is trained at the Scottish Police College. Now the members of our Firearms Administration Office now also give local training. However, that is a fairly new phenomenon in the last year or so but certainly she is trained at the Scottish Police College when you first join the police.

What about internally in Central Scotland? - Well, internally at the moment the Firearms Administration Team give lectures and familiarisation courses on guns to new recruits or people who are not long in the police. I can't state what training was available when P.C. Anderson was at that stage.

What is the state of play at the moment then? - The Scottish Police College and also local training which is undertaken by our Training Department and assisted by the Firearms Officers in the Firearms Administration Department.

Now, can you have FA62 which is D92. That is described as a mailtab? - That is correct.

What is a mailtab? - I don't know. I didn't write it. I assume it is a piece of paper which would be attached to correspondence really as it is circulated and it gave an indication as to what action was to be taken. That is really all.....

The form that we have just been looking at, that is RL3A, is dated when? - When the enquiry/

enquiry officer dated it?

Yes? - 13th February 1995.

You will see that one of the two documents..... in fact, I better check with you; have you been given two documents there as part of that Production? - No, just the mailtab.

FA62, at one stage of it is it addressed to the Chief Superintendent of 'A' Division? - That is correct, yes.

And is there an instruction to him to submit the RL3A?  
- That is correct, yes.

And it is signed M. Johnson? - Yes.

And it has got a stamp on it? - Yes.

What is the date of that? - 16th January.

It is then signed at the bottom, is that correct? -  
That's correct, yes.

"Officer" and that is Anderson's name? - That is correct.

Is that a signature or has it just been written in? - No, it looks as though it has been written in.

And that is the enquiry completed? That is the 13th February? - Yes, that is correct.

Which is the same date as the LR3A? - Yes, that is correct.

Now, there is some handwriting on this document, is that correct? - That is correct.

What does that say? - It is addressed and dated to PC660 Anderson. "With regard to pre-cons could you oblige and check that this is a definite no. I have a feeling he has or at very least is on CI", which is crime intelligence, and it is initialled by DC P317 which presumably is Donald Cowan, the Sergeant.

So/

12.20 p.m.

So he has asked Anderson to check the criminal record; is that right? - Yes.

This is because he thinks she may have had the wrong answer? - Yes, that is the indication anyway from that, yes.

She has answered him? - Yes.

What is the answer? - The answer is "No trace PNC, Criminal Intelligence, on Hamilton" signed, and underneath that "Nothing to stop firearms application going through".

That may be different handwriting at the bottom from Constable Anderson's handwriting? - I am not sure. It is certainly under her signature anyway.

And above her signature she has got "No trace PNC, Criminal Intelligence on Hamilton"? - Yes, that is correct.

So all the signs are that she has done all the appropriate checks? - That is correct.

And Hamilton's certificate was renewed; is that right? - That is correct, yes.

If you just look at FA57 which is D87, can you confirm that is the renewed firearms certificate. Have I got the wrong one? - That is the previous one which expired in 1995.

D101 which is FA64. Is that the renewed certificate?  
- Yes, that is a copy of the certificate.

At the time did you have any suspicion that there may be Criminal Intelligence on Hamilton? - No. In fact, I probably didn't even see that mail tab because that would be in the file which I wouldn't have any reason to check at that time.

Had you ever heard of Hamilton before that? - No.

Now, what are the crucial elements on the RL3A/

RL3A that leads one to telling the Deputy Chief Constable an application should be granted? - Really every section has its importance but the one important section on this, when I used to check them and return them, if the local Unit Commander had not signed it either to recommend or not to recommend, because we as Headquarters administration have to rely on any available information on the applicant coming to us from Operations, and I have to be sure that the Operations Division are in fact recommending that this certificate should be granted before I can take it any further.

Then the Superintendent, he has signed it? - He has initialled it and stamped it. Certainly if the information is correct, and the local Unit Commander should also check it and be satisfied, and if it is not signed or initialled by the local Unit Commander we check up on that and I would return it.

The two civilian firearms officers you have are Miss Johnson? - That is correct.

Who is an administrator? - An administrator.

And Mr. Lynch, an examiner? - That is correct, but he doubles up and assists with administration as well.

He at present is on the beat, as it were, in the Falkirk area for renewals? - That is correct.

So if Hamilton applied today from his Stirling address for renewal of his certificate Lynch would have nothing to do with that? - That is correct.

Tell us what difference there is in today's system for Stirling from the system we have been looking at in relation to the last renewal? - Well, really there is no difference because -- well, there is a slight difference at Headquarters. The inquiry officer's procedures would be exactly the same as it was then because it goes to a police officer at Stirling to carry out these inquiries. The difference now is when that is received at Headquarters the Inspector no longer sees any of these/

these -- the firearms examiners -- sorry, the firearms administrators deal with these entirely unless there is a problem identified, if the local Unit Commander were not to recommend granting or there was a report submitted -- in fact, that holds good for any time -- if a report is submitted which casts doubt on the suitability this would be brought to the attention of the Inspector.

So Inspector Dewar would not actually have seen it?

- No.

Even allowing for the mail tab? - That is correct, because that particular item to do with Criminal Intelligence and previous convictions is dealt with entirely by Operations unless, as I described earlier, you have got notification of an SCRO input.

And the Sergeant has signed? - Yes.

And the Superintendent has signed? - Yes.

Would either Lynch or Johnson write anything on the form before that went to the Deputy Chief Constable? - Yes, she would -- any of the two, whichever -- would sign where I have signed the previous one.

That is the only change made? - That is the only change in administration at Headquarters. We are moving towards civilianisation completely.

Do you have the available information -- I can get it elsewhere if you are not able to tell me -- do you have information about the current number of firearms certificates in Central Police Force? - No, I don't have the exact figure. It is around 3,500 firearms and 1200 or 1300 shotguns.

Is it not the other way round? - Sorry, yes, the other way round. It is 3,500 shotguns and 1200 or 1300 firearms.

You have been referred to guidance as you have gone along. Can I now have D1, which is -- I don't think it is a separate number but it is a document headed on the front "Firearms log -- guidance to police". Do you have that?

MR./

MR. BONOMY: Sir, I am sorry for this, I have already asked that we have a back-up set identical to the ones we have in case the Production can't be found.

LORD CULLEN: Do we have a spare copy?

MR. BONOMY: I'm trying to get one. There may be one upstairs.

EXAMINATION CONTINUED BY MR. BONOMY:  
Are you familiar with that document? - Yes.

What is it? - It is the Home Office guidance to police on firearms legislation which is used regularly in the Firearms Administration Department.

Could you go to the preface which is on page three and the middle paragraph there says, "In accordance with Home Office and the Association of Chief Police Offices Working Party's recommendations this revised guidance is being made available publicly for the first time"? - Yes.

"It is not intended to be an exhaustive account of the law relating to firearms and ammunition or to make it unnecessary to refer to the Statute"? - Yes.

Then if you go to the last paragraph, "Because of the need to make this available to Police Forces well in advance of the coming into force of the Firearms (Amendment) Act, 1988 it has not been possible to undertake a comprehensive revision of the original memorandum beyond ensuring that offers an accurate guide to the legislation in force"? - Yes, that is correct.

I think it goes on also to say, "It may be necessary in due course to publish further revision". Do you know if there has been a revision? - I am not 100 per cent sure. I know in fact amendments are stuck into the book backwards and forwards but whether there has been a full revised book.....

You are not familiar with the revised book? - No.

I/

I think this is supplemented by your own Force's Standing Orders? - Yes.

This is memoranda which are sent out by the Chief Constable from time to time? - Yes, Force Orders.

And your own Standing Orders were last revised in 1990? - Yes.

Can you go to paragraph 6.8 please. Now, you will see this is guidance given to the police in considering applications? - Yes, that is correct.

And the following points should be borne in mind -- you have got that? - Yes.

If you go to paragraph (d) could you read that out please? - "It should also be established that the land areas over which an applicant intends to shoot are suitable from a safety point of view for the class of weapon which it is proposed to use".

And (e)? - "A certificate for a handgun with ammunition should not be granted (except in very rare cases) unless the applicant has regular and legitimate opportunity of using the weapon e.g. for target practice as a member of a pistol shooting club. Certificates should not, however, be issued for "fast draw" competitions for which adequate non-convertible imitation firearms are readily available".

So this is guidance really from the Home Office checking out on how applicants actually use the handgun? - Yes.

Could you go slightly earlier in paragraph 6 to 6.2 and confirm that deals with checking out whether an applicant is a suitable person for a firearms certificate? - Yes.

Could you read 6.2? - "Before issuing or renewing a firearms certificate, the Chief Officer must satisfy himself that the applicant can be permitted to have the firearm (S)/ammunition in his possession without danger to the public safety or to the peace. This may necessitate an interview and consideration of his security arrangements. Where/

Where a visit to the applicant's home is considered necessary, this should, whenever possible, be made by prior appointment. Applicants usually provide a telephone number where they can be contacted for this purpose. This information is requested on form 101".

Is it fair to say this is consistent with the general tenor of this document so far as approaching an individual applicant for a firearm certificate is concerned, that the officers should be doing this by arrangement rather than by surprise? - Yes, normally that is the case.

And the form tends to view the holding of firearms certificates as something that people are generally entitled to as long as they qualify? - That is correct, yes.

It is a positive rather than a negative approach to the holding of a firearm certificate? - That is correct.

Would you expect your officers, if checking up on an applicant for renewal, always to have made an appointment to see him? - I didn't check that, but normally, yes, that would be the case. Basically they are asked to take along the letter and leave the letter with the applicant and ask the applicant to get in touch with them after that, complete the application form, and the police officers will go back or the person go to the police station, go over the form, pay the fee, and thereafter the inquiry is begun.

There is never any attempt to take an applicant by surprise? - No. Not unless there is some good reason why that should be the case.

So any applicant who is going to be interviewed by police officers in the ordinary course in connection with a renewal application can expect plenty of warning to get his house in order? - Yes.

You mentioned the arbitrary limits in the course of your evidence. Would you look at 6.36 in the guidance given there? - "Each case should be dealt with on its merits and, provided the good reason requirement is met, no general arbitrary limit/

limit should be applied in considering any of the following: (a) number of rounds of ammunition to be held; (b) total number of firearms to be held; (c) number of firearms per calibre; and (d) time by which firearms should be purchased".

BY LORD CULLEN: Just for the notes, this is in the context of an application for variation, isn't it? - I think it actually covers renewal as well, in each case.

Does the same apply in the other direction like a renewal or original application? - Yes, because they can vary their reason over a length of time as well.

EXAMINATION/

12.40 a.m.

EXAMINATION CONTINUED BY MR. BONOMOY:

Yes. I think possibly the way to view this is that any renewal application is really supposed to be viewed as a new application -- the same criteria apply? - Yes.

And therefore the applicant can insert different weapons and different amounts of ammunition, really inviting the police to consider the application afresh? - Yes.

Varying the weapons and the ammunition? - Yes. Well, it is cheaper to do it at renewal time than it is to add additional weapons midway through.

Are the fees different? - No -- not for renewal. I think from memory the renewal fee is the same, and they can vary it at that particular time. However, midway through or part of the way through they would be charged a fee for adding guns to the list on their certificate.

Could you now look please at Paragraph 14.3, which is under the heading "Security of Firearms and Ammunition held on Certificate"? - Yes.

Now, could you read the Guidance given at 14.3 please? - "Storage under Paragraph (a) should be in a locked gun cabinet or other similarly secure container. However, in deciding on the appropriate level of security, Chief Officers will wish to have regard to the individual circumstances in each case. In some cases, removal and secure storage of firing mechanisms, for example in a safe, will be an acceptable alternative to use of a gun cabinet. Where a cabinet is used, it should be in a protected part of the premises, not in a garage or outhouse, out of sight of casual visitors and securely fixed to the fabric of the building. A gun room offering a comparable level of security, or a cellar with a lockable steel door, would be satisfactory alternatives".

Yes. Just finally, would you look please at Paragraph 6.7, back to the chapter you looked at earlier? I missed this one at the time?/

time? - 6.7, yes.

I think if you just go back to 6.6, you will see that sets out the circumstances in which a person should be refused a certificate? - Yes.

Now, could you read the Guidance given at 6.7? - "If the grant of the certificate is not so precluded, the Chief Officer of Police has to satisfy himself on two points: that the applicant (a), has a good reason for requiring the firearm or ammunition in respect of which the application is made; and (b) can be permitted to have the firearm or ammunition without danger to public safety or to the peace. Forces will normally be expected to give reasons for their decision to refuse an application for a firearms certificate".

BY LORD CULLEN: Just one other point. If you would look at 6.8, and turn on to little i? - Yes.

I think you will find in the middle of that there is a bit about good reason there, and also it says there that "No arbitrary limit should be applied to the number of firearms which may be held"? - Yes.

So that is in the context of an application for a firearms certificate, and presumably also for renewal? - For renewal, yes.

CROSS-EXAMINED BY MISS DUNLOP: You explained that material information gathered by police officer would be communicated to the Firearms Department? - Yes.

That is perhaps more general information about a holder of a Firearms Certificate? - No, only relevant information -- not every piece of information.

Yes. I was just coming on to that. The qualifying criterion is that it is relevant information? - Yes.

Is there any more specific guidance to police officers about what is or may be relevant? - No. Basically the guidance, which is contained within Force Standing Orders is that anything which the/

the officer would feel is relevant regarding the suitability of an applicant to hold firearms -- in other words, if they feel this has a bearing on that person's suitability, then it is incumbent on them to notify headquarters in order that the matter can be considered further.

So they are not told, for example, that information which reflected adversely on an applicant's character should be communicated? - Well, I don't know if it says that in those specific words, but obviously if the character of an applicant is called in to doubt then I would expect them to communicate that to headquarters for us to consider whether there should be further action taken.

And that calling in to question of an applicant's character might or might not relate to any incident involving a firearm? - Yes.

Indeed I think if we look at Paragraph 6.9 of the Home Office Guidance, which is still open in front of you, it does say there: "In deciding whether a person can be permitted to have a firearm or ammunition without danger to public safety or to the peace, the main consideration is his character"? - Yes.

Well, that is fairly general? - Yes.

Now, it was drawn to your attention that in 1995 Mr. Hamilton was applying for authority to acquire four new firearms, and those were the same four firearms as those for which he had sought authority in 1992; do you remember that? - Yes.

Would that be queried by anyone, that he had gained the authority three years before and hasn't used it? - No, there is no reason. If he still has the good reason he had when he was given authority, then there would be no reason to doubt that, and that should be answered when the officer is checking that he is still a member of a gun Club.

But do you accept that it might at least raise a question about the veracity of the good reason that had been given last time round? - Not really, no, but in actual fact the shooting organisations advise their members to look five years or more ahead, because it costs them more to vary/

vary a certificate at a later date. So provided they are given -- and the only guidance there is with regard to this, as far as the good reason is concerned -- if they have met that criteria at the time, and that good reason is still there, then there should be no reason to take the authority off; and in actual fact on the application form for the renewal the applicant is asked to say whether he still wants to retain the authority to acquire these weapons, and as far as I am aware there is nowhere there that allows us to take that from him without the fact that the good reason has been taken away.

BY LORD CULLEN: That advice you have referred to -- where can one read that, the advice from the shooting organisations? - It is actually in a booklet they provide. I just can't remember the organisation. There is a small booklet I think in the office, and what they advise, if I can remember correctly, is to look five years ahead -- on renewals, and over the five years, to what amounts of ammunition and firearms they may wish within that period of time.

So that means an applicant has got to look ahead for a period of five years and to ask himself, before he has got the certificate, whether he is likely to require to acquire firearms say four to five years ahead? - Yes, if he wants to cut down the cost.

If he wants to cut down the cost. And he is supposed to have that good reason at the time he is making the application? - Yes. When he applies for it and asks to purchase or acquire two weapons, he must have the same good reason for these two.....

It does seem rather curious -- you project five years ahead to save costs for reasons you have which are good reasons? Does this work in practice this way, that people try to anticipate what they might need? - Yes, because at renewal time or at grant time they can have it done there and then. During the period of the certificate, if they apply for it, then there is two aspects to it. They can either take one gun off because they want to transfer it or sell it, and put another one on, which is actually free. But if they wish to add a gun to the list on their certificate, then there/

there is a fee for that.

CROSS-EXAMINATION CONTINUED BY MISS

DUNLOP: To pursue that a little further, I understand that the current advice from a shooting organisation might be "project ahead five years"? - Yes.

Because that is the period of time till the next renewal? - Yes.

And you save yourself the cost of a variation during those five years? - Yes.

But the equivalent advice in 1992 would therefore have been "Project ahead three years, because it will be three years until the next renewal". Does that not take us back to the same question, that if the reason in 1992 had been that he was going to be using those four new firearms for target shooting, by 1995 he obviously hadn't? - Yes.

Following through what had been said in 1992? - Well, basically all he has to say is that he wants to purchase or acquire, and give the reason why. There is nothing to force him into telling us when, and there is nothing that forces him to buy these guns within that period. The only stipulation it gives is that there must be the good reason, and that good reason must hold good in 1995 as it did in 1992, and therefore on his application form if he still wishes to purchase or acquire these weapons, then providing he still has that good reason there is nothing we can do to force him to take that off.

But the good reason in 1992 was at some point in 1992? - No, the good reason is "At some time I would want to purchase these weapons", and then that is looked at again, and he may decide in three years or five years, now, time that he does not want to, or he does want to retain that authority to purchase or acquire weapons.

BY LORD CULLEN: So it is not limited to within the period of the certificate? - No, that can go on.

But supposing you have a man of 20 who wants/

wants -- or say 25 who wants to apply for a firearms certificate, and he is thinking when he gets to retire at the age of 60 plus he will buy a firearm. Does he put that in his application, and it stays there as each period comes and goes? Is that right? - Well, as far as I am aware, there is nothing to stop him doing that.

But surely one would have thought what he puts in is relevant to the period in question? - Yes, but he is also reapplying for the "purchase or acquire", and the good reason still applies as it did in the first application, because he is still a member of a Club. If he ceases to be a member of a Club we would have to look at it again.

But I thought you were telling me his good reason relates to him wanting to acquire a firearm, whenever that acquisition is intended to take place? - Yes. It doesn't matter when it is. So if he applies at the grant time for permission to purchase or acquire weapons, we have to satisfy ourselves if he has good reason for that during the next.....

Supposing the officer said to him "I understand you want to acquire this gun. Can you tell me when you propose to do this?", would that be the kind of question that might be asked? - Well, I would expect the question to be asked: "Do you still wish permission to do that?" They may well ask "When do you intend to buy it?".

And supposing he said "Well, perhaps 10/15 years from now", what would the reporting officer make of that? Would that be of any significance or not? - I don't think it would be of major significance.

Would it be of any significance? - I don't think so, because the good reason would still apply.

CROSS-EXAMINATION CONTINUED BY MISS  
DUNLOP: Moving on to the question about a second gun the same as one you already have? - Yes.

You have referred to good reason for that being that the second one is a spare? - Yes.

The/

The only circumstances I can think of in which a spare might be necessary would be if your number one gun was broken or not functioning in some way; is that what you have in mind? - Or is being adjusted.

So in theory, since this is a very general happening, in theory anybody could have a second gun, because that could happen to anybody, that their number one gun could break or need adjusting? - Yes, providing they could give good reason; and that is where the firearms examiner comes in, where he could advise me as to whether that is good reason -- for example, with a rifle, it could be the weights are slightly different, the sights are slightly different, or very technical reasons, and I would therefore consult the firearms examiner for his views on that.

So that question of adjustment would have to be more specific, the applicant would have to say what adjustment was required? - Well, if he was putting it to a firearms dealer to have the gun -- I don't know the technical details of the gun, but if it was being cleaned or adjusted in some way then he would need another firearm to carry out his hobby or his sport.

Right. So when the applicant says that he wishes to acquire a second gun the same as one he already has, to say "I want a spare" is not good enough, he has to say why specifically he needs a spare, does he? - Yes. Well, we would ask "Why do you need a spare?" and that would be considered. But that is about all.

But if he said "Because the first one might break", or "Might at some point in the future require adjustment", would that be a good enough reason? - Yes, because he might be involved in competition shooting or what have you that he would then need a gun as a back-up, and that is acceptable under the guidelines, as far as I am aware.

You explained to us that there is no check, and you didn't think that any requirement existed for there to be a check, on the frequency of someone's attendance at a gun Club? - No.

Does it also follow that there is no inquiry/

inquiry made as to the nature of the person's shooting, if and when they do attend at the gun Club? - No.

So nobody asks whether they are competing? - No.

You were also asked about I think it is the mail tab -- I think it is described as that? - Yes.

The handwritten entries from WPC Anderson? - Yes.

Now, she has looked at the Intelligence File on Mr. Hamilton; is that correct? - I presume so, yes.

And she appeared to have recorded that there was nothing to stop the certificate going through? - Well, there is certainly a bit at the bottom, but I don't know whether she has written that. It is under her signature, but somebody, yes, has written that there is no reason for it not to go through.

So it presumably follows that whoever the writer of that comment is is making a judgment purely on his or her own about the nature of the information in the Intelligence File? - Yes.

After/

1.50 p.m.

After an adjournment for lunch.

CROSS-EXAMINED BY MR. GIBB: You are well aware in the firearms legislation that reference is made to good reason? - Yes.

There is no definition of that anywhere, is there? - Not to my knowledge but the good reason certainly as far as I am concerned is the fact of the gun club and I think there is mention in the guidance regarding gun clubs.

Yes, but I'm thinking particularly about the point that Lord Cullen made to you before lunch time about wanting to purchase for instance a weapon, that good reason simply needs to be "At some time, some day, I want one"? - Yes.

And there is no assistance at all to you as a Force as to the amount of either ammunition or the number of weapons that may be possessed? - No.

And basically you said that if someone says that they might want something that is a good reason for you? - Yes, a good reason in terms of the guidelines.

But the guidelines give you nothing about good reason? - Yes.

They don't help you at all, do they? - Not very much, no.

In fact, it is fair to say on the question of good reason and on the question of volume that they are worse than useless? - Well, they are certainly very open.

And similarly, on the question of checking we know that Mr. Hamilton between 1988 and 1992 did not make any commercial purchases of ammunition? - Yes.

But you don't check the present certificate to see what has been purchased in the previous period? - That is correct.

Well,/

Well, why not? - Well, because he doesn't have to give any reason why he is not shooting his gun. Provided he is a member of a gun club that would be a good enough reason to retain the ammunition and the guns.

But I have to say that the general perception I have, perhaps of the guidelines more than anything else with the existing tenor of the guidance, is that someone has a right to things as opposed to a privilege? - Very much so.

So in fact those who have those weapons which are capable of horrendous consequences have at the present time a right, almost unlimited? - Almost, yes.

Indeed, is it limited at all? - It is limited to some extent but you are right on good reason and other aspects. There is very, very little guidance and very little in the way of limits as to when we can prohibit somebody from getting those weapons.

Have you ever been involved in shooting yourself? - At one time a number of years ago. In the police as opposed to in a private capacity.

I mean, we heard some evidence that at a shoot for instance, we heard from an earlier witness, a member of a gun club, that to fire 200 rounds of ammunition was probably as much as he would have anticipated ever using? - Yes.

How then can you justify someone such as Hamilton holding or having authority to hold 7,500? - By the different calibres. There is 1500 for each calibre.

How even can you justify 1500 of each calibre? - I can't answer that one. That is something which has been there since whenever, 1500 is a common amount.

But going back to an earlier point; if as a matter of routine you and other Police Forces checked an existing certificate to see the use made of the weapon before renewing, that would at least have alerted your Firearms Department to the fact that for a period of some six years Hamilton had not/

not used these guns at all? - No, that does not portray that to us because he could get his ammunition from the club. He could make it himself. There is no prohibition on making ammunition provided you have authority to possess the ammunition under Section 1 and you could buy it or get it gifted to you by some other person.

But to make his own ammunition he would at least need cartridges? - Yes.

I accept that the recording only relates to commercial purchases? - Yes.

But wouldn't it in fact ring a warning bell if in fact there had been no commercial purchases whatever of cartridges or anything else? - Not necessarily because he could shoot the cartridges off at the range.

The other point is that my understanding is that he had the authority to possess up to 1500 rounds of each type? - Yes.

But had authority to purchase up to 1,000? - Yes.

There is no way that you or anyone else would check what use had been made of the 1500 held before another 1,000 were purchased? - No, there is no way of checking. When the officer calls at his door, short of searching his house and checking every round he has, there is no way of checking that. We have to go on the good faith and the goodwill of the applicant.

So Hamilton could go 10 days in a row and purchase 1,000 rounds of each type of ammunition? - Well, not if it is commercial premises. That should be entered into his certificate and therefore he could only be allowed to possess up to what is stipulated but again there is no way of checking that he has not got more stashed away somewhere else.

We heard from a representative from a gun firm that there is no check made and if someone comes in and asks to purchase 1,000 rounds, no questions are asked as to what you have done with the 1,000 you purchased yesterday? - Yes, I don't think/

think there is any obligation on them to do that.

Now, so far as gun clubs are concerned, membership is sufficient and there is no check made on the actual participation? - No, as long as they have regular and legitimate access to the gun club to shoot if they so wish there is nothing that I'm aware of to prevent them keeping good reason or keeping guns just in case one time they decide they do want to go and shoot them.

Well, I have to suggest to you that good reason means something better than reason and it seems to me that the general tenor of your evidence is that as long as they can justify their position they don't need to provide a good reason to you. All they needed to provide was a reason? - Well, my interpretation of being a member of a gun club is a good reason.

But it is the membership alone and no steps were ever taken by your Department to check on the attendance at gun clubs? - No.

Or the use of the guns? - No, there is nothing that I know of that states that they have to shoot the guns.

Is there something to be said for a system perhaps whereby if someone attends a gun club they get a card stamped that they have attended, the date and fired rounds of ammunition? - That might be one option, yes. It would supervise it a lot better.

So that when it comes to renewal, the person holding the certificate has got to provide satisfactory evidence of the use of their guns and the use of the ammunition? - Well, I can't say no to that. Obviously that is one suggestion that would certainly be worthwhile.

BY LORD CULLEN: You say worthwhile. Worthwhile for what object? - Well, to ensure that they do need the weapon and that it is being fired because it is our interpretation that they don't need to fire the weapons at the gun club. They only need to be a member of it. The regulations obviously would need to be tightened up I suppose and we would be advised that unless they are actually/

actually firing the guns they longer have good reason and the only way you could check that is if they got some kind of document stamped.

CROSS-EXAMINATION CONTINUED BY MR. GIBB:

The other thing is, I have to say, you have been questioned on this at some length but it appears really going right back on Hamilton's record that even away back in 1983 and 1989 and in 1984, on each occasion there is certainly a .22 rifle appears throughout as something that he does not have but intends to purchase or acquire? - Yes.

So we have a .22 rifle on four applications where he does not hold it but intends to acquire it? - Yes.

But you indicated to Lord Cullen that they could have 20 such applications and it would not necessarily ring any warning bells? - No, I have no knowledge of anything that.....I mean, the guidance states that there should be no arbitrary limit on the number of guns that someone should have so provided they meet the guidance good reason criteria then there could not be any reason why we could legally prevent that.

You may not know this but what is the purchase price of a .22 rifle? - I couldn't tell you.

What is the cost of a variation in terms of police fees? - I can't remember the fees offhand.

Do you know roughly? - No, I would be guessing because it is not something that I have to take into consideration at all, the fee.

But the cost of renewal is? Do you know how much that is? - No, I don't keep that information in my head.

Can I suggest to you in any event that the cost of the fee for variation as opposed to the cost of a weapon itself must bear no relation one to the other? - No.

And indeed there is nothing whatever to prevent someone who is going to go to the significant/

significant expense of purchasing a weapon from requiring at that point to seek a variation instead to hold that weapon? - No, there is nothing to stop them but it is obviously easier for them unless inconvenient and cheaper.

Well, I'm really not particularly interested in convenience which you will appreciate, nor are many of the people who are represented at this Inquiry. Is there any reason why the provision that there is allowance for firearms to be purchased or acquired should simply be removed? - Sorry, can you repeat that again please?

Is there any good reason why in fact the provision that allows entry for firearms to be purchased or acquired should simply not be removed from firearm certificates and anyone wishing to purchase or acquire a weapon could seek a variation? - Yes, I would agree with that. I would agree with that, that that is what it should be, yes.

BY/

BY LORD CULLEN: But then this is quite common, isn't it, for somebody to make an application for the first time before acquiring a weapon? - That is correct.

He can't acquire a weapon in advance? - No.

So something has to be done in anticipation? - Yes.

And when the weapon is acquired then it is entered in the certificate? - That is correct.

So that is certainly one situation in which there cannot be a variation because there is nothing to vary until you get the application through? - Yes, and very often you find requests come in first because people are looking for bargains and when a bargain comes up, if they have that authority on their certificate they can purchase at the time and that is often given as a reason why they must retain authority.

CROSS-EXAMINATION CONTINUED BY MR. GIBB:  
Finally, I think in fact if you could look at D82L. That is the memo from Detective Sergeant Hughes. Had you ever seen that document prior to these proceedings? - Yes, I have been shown it once.

Are you aware of whether the document or a copy of that document was with the Central Region Firearms file for Mr. Hamilton? - No, as far as I am aware it was not.

Have you had an opportunity to study that document before today? - Yes, I have read it before.

What is your view as to how that document might have affected your personal view when it came to Hamilton's renewal in either 1992 or 1995? - I would certainly have taken it into consideration but without further information on this, this document alone does not provide enough evidence to substantiate any allegations that have been made. The document has in fact been put in in good faith by the officer and in fact in terms of the Force Standing Orders he has been obliged to put that information into Headquarters. Having read it/

it, I would find it difficult on that alone to say that under the current guidance and the current legislation that there are grounds for revocation on that document alone.

Well, that is one thing, revocation, but this is another question, renewal? - Yes.

And I think as you are aware, Section 30 of the Act provides amongst other things that if a person is otherwise unfitted to be entrusted with a firearm then renewal will not take place and I think you indicated earlier that the same criteria apply for renewal as for new applications? - Yes.

Are you suggesting that does not ring very serious warning bells as to Hamilton's fitness to be entrusted with a firearm? - Well, what it does is it tells me that there have been allegations made but his unfitness has to be proved. I need some evidence that he has in fact committed the offences that he is alleged to have committed.

With respect, you don't need any evidence that offences have been committed? - Well, I am sorry, as far as I am concerned I need evidence that this person has committed or done some action, not specifically committed a crime but has done some action which would make him unfit. I mean, it is all right to put forward a case as far as the allegations are made but what would immediately happen as far as this was concerned, a revocation on that document, would be an appeal and I would be most surprised if it was not upheld.

Would that memo not put you on serious guard at renewal, if not on revocation to very carefully consider Hamilton's application for renewal? - Well, I would want to look, yes, at a lot more information than that memo.

So in fact if that memo had been on file it would have prompted you at least to carry out further detailed investigations before Hamilton's renewal was granted? - I would call for more details to see if there was anything to substantiate the allegations that are in the document.

But this is a senior officer in your Force who has got these concerns. is that not a matter/

matter of some consequence to you? - Well, it doesn't really matter, with respect, it doesn't really matter what rank they are. We still have to abide by the law and the guidance as it pertains at that particular time, whether we agree with it or not, and we have to look at it to see if there is any evidence to substantiate the allegations that are made. When I look at the words there, "scheming, devious and deceitful", that at the moment is one person's view of this particular person and there is nothing that I know of in the guidance which would allow me to revoke or fail to renew somebody's certificate on that.

But if you had seen that memo you could at least have looked up the papers which were put together following on the Milarrochy enquiry? - Yes, I could have looked at the operational report giving the full details to substantiate that.

Have you seen these precognitions since? - No. This is the only thing I have seen as regards this document.

BY LORD CULLEN: Perhaps I could ask you about this document, D82L. Are you familiar with the kind of documents that are in the firearms files? - Yes. This is just at our Headquarters?

Yes? - Basically the application forms and if a document such as that was received that would be filed in the document and a photo-copy of his previous certificate.

So is this the kind of document that you would expect to find in a firearms file relating to the person concerned? - Yes.

CROSS-EXAMINATION CONTINUED BY MR. GIBB:  
But you have obviously no knowledge as to why this document did not reach the file? - No, I do not.

Just to put it in its entirety, can I suggest the Home Office guidelines really don't assist you as a Force very much at all in terms of what number of weapons or volume of ammunition or in fact what does or does not amount to good reason? - They are very, very open and very difficult. It is so open that it is very often up to the discretion of the Chief Officer to try and make a considered judgment/

judgment in conjunction with the guidance but there are other sections which tie us to a certain extent.

You talk about discretion of officers with regard to the renewal or grant of the certificate. Similarly, you will be aware when it comes to appeal it is a matter for the discretion of the Sheriff? - That's correct, yes.

And clearly if anyone exercises their discretion reasonably that cannot be challenged? - That is correct.

But despite that you took the view that this was not a case and you still take the view that this was not a case where you would have felt any degree of confidence in refusing the renewal? - No, that is correct because it is the job of the Chief Officer to take the responsibility of making that decision rather than abrogating it to the Sheriff and therefore that is the kind of decision that a Chief Officer would have to take.

I have to suggest indeed it would be appropriate to refuse renewal at the very least or to get a revocation and put all the information, including D.S. Hughes' memorandum and all the precognitions before the Court? - Well, I can only reiterate what I have said. These of course are basic details and I don't have the background to it but on that alone I couldn't, if I was asked, revoke or ask somebody or recommend that revocation under the current guidelines and the current law.

BY LORD CULLEN: I take it within your work you have been responsible for considering cases where you had to consider whether or not to recommend revocation, is that right? - Yes.

CROSS-EXAMINED BY MR. TAYLOR: Just going back to your evidence I think for the moment. Can you tell us the practice of Central Scotland Police Force in relation to making visits to an applicant at the time when they first apply for a firearms certificate? - Yes, when they apply for the grant of a certificate an officer will be sent to carry out an enquiry and go over the form. They would be asked to check the Scottish Criminal Records Office and Police National Computers to establish whether the person has any previous convictions and should also check that the counter-signatory/

signatory is a bona fide person.

When it comes to renewal, can you tell us if that practice remains? - Yes.

Is that a matter which is required by law or.....? - No, there is no law to force a Police Force to carry out visits. In fact, it is recommended in various quarters that there should be renewals by post but our Force has resisted that and we now still carry out visits during renewals.

And where has the impetus come from for the suggestion that renewals should be done by post? - That is a recommendation by Her Majesty's Inspectorate.

Have you had experience of dealing with the Inspectorate? - Yes.

Is there anything which you have learned from your discussions with the Inspectorate which may be of relevance and interest to this Inquiry in relation to the administration of firearms? - Well, only that last year there was a thematic inspection carried out by the Inspectorate.

Perhaps you could tell the Inquiry what a thematic inspection is? - Sorry. The Inspectorate of Constabulary carries out inspections of other police forces. However, they also carry out what are called thematic inspections on a particular topic and that is done on a Scottish-wide basis. Last year there was an inspection carried out in all Scottish Forces with regard to firearms licences and that was carried out round about September time. As I say, that is dealt with on a national basis as opposed to individual Forces being inspected.

Was there anything arising from that inspection? - Yes, very much the H.M. Inspectorate are of the view that firearms licences should be civilianised completely. In fact, I was asked why an Inspector and Chief Inspector should be involved in the process at all and why not submit documentation, whether it be for revocation or otherwise, from the civilian firearms officer to the Deputy Chief Constable.

Is/

2.25 p.m.

Is that a step which you think is in the right direction?

- I don't see any reason why not, no. Firearms officers are, if you like, experts in that they deal with it every day, and the firearms examiner was appointed for the very reason, for his expertise. I don't see any reason, given the staff, why there shouldn't be direct access from the civilians to the Deputy Chief Constable and why there needs to be a police officer involved.

This morning you made reference to some advice which you believed was issued by an organisation to its members. Could it have been the document you were referring to is entitled "Sporting documentation and the law" published by the British Field Sports Society? - Yes.

Was the particular passage which you had in mind that which one finds on page 16 where it is said that "A certificate to obtain extra weapons is expensive..... Approval to purchase remains valid for the life of the certificate"? - That is it.

The last sentence there says the approval remains valid for the life of the certificate. I think you accept that? - Yes.

In answering some questions put to you by Mr. Gibb you gave an example of the sort of situation which might arise where an applicant may want to acquire a particular weapon second-hand if it comes up for sale? - Yes.

Can you think of any other examples where people might make an application for a particular calibre of weapon to be entered on to their licence but yet not make use of it in the period of three or five years that now is? - I think this is the main reason, if for any reason they happen to see a bargain, whether it be a private or commercial deal, they can take the opportunity of that without having to have to attempt to vary their certificate. I think these are the main reasons. There may well be others but I can't think of any offhand.

Would I be right in thinking that the permission to acquire lasts only the life of the certificate?/

certificate? - Yes.

If they felt they didn't have a need for the particular weapon within the life of the certificate it would be inappropriate to make application for it? - It would be inappropriate to make -- at the renewal time?

Yes? - No, not necessarily, because they may well still wish to purchase the weapon at some other time in the future, and provided they have the good reason to acquire the gun.

Would the future not extend then beyond the life of the certificate? - Yes, but then it would be re-examined during the renewal and if the good reason was there it would be renewed again on that basis.

At the time of making an application would an applicant require to have it within his contemplation that in the course of the life of the certificate he would be acquiring the gun? - Not to my knowledge, no, because he may only be considering the possibility.

You were asked some questions in relation to paragraph 6.9 of the guidance which has been issued. That deals with the main consideration being the character of the applicant? - Yes sir.

In your view does any blemish on the character of an applicant result in him being unsuitable to hold a firearms certificate? - No. Each case has to be taken on its own merits.

Are you able to indicate roughly what sort of character deficiencies would require to exist before there would be cause to refuse a renewal or refuse a grant? - Yes. There would need to be evidence of deficiencies of character, for example intemperate habits, where it was proved the person was a drunk and therefore could use a firearm when they were under the influence of drink. If there was any evidence to show they were receiving treatment, for example, for a mental health illness, or if for some other reason -- in other words, if they were convicted or charged with a serious violent offence where they may be wanting to use a firearm in the commission of another offence./

offence. But basically if there is any danger to public safety and the peace.

Would that danger have to arise in any shape or form or would it have to arise specifically in relation to the use of a handgun? - No, it can arise through any shape or form.

Would it follow that any situation giving rise to a breach of the peace would necessarily result in replication or refusal? - No, not necessarily.

BY LORD CULLEN: Two points before you are re-examined: do I understand from what you said earlier that at the time for renewal it would not be expected of a reporting officer that he or she would as a matter of routine get in touch with the club of which the holder was apparently a member? - That is correct, not as a matter of routine.

There may, of course, be some particular reason for that in a particular case but not as a matter of routine? - Not as a matter of routine, no.

The second question was to do with the function of the administrators or the administration department. What exactly, in a few words if you can, what is their function? - In the process?

Yes? - Theirs is purely administrative. The documentation, information comes into them, and they are then responsible for administering that and producing the new certificate. If there are any grounds that they consider a person is unsuitable they would then bring that to the attention of the Inspector who would then look at that in the light of the information that is available to him.

Would they have anything to do with the amount of ammunition which a person was authorised to hold or acquire? - Yes, they deal with that.

In what sense do they deal with it? - They would agree the amount provided it is within reasonable limits. The firearm examiner, as I said earlier, is somebody who has expertise in shooting and he would be able to tell us that the amount that was asked for was not over the top so far as the particular/

particular shooting is concerned.

How does the examining officer do that? - From experience.

No, by what method. What documentation -- how does he do that? - He states it in the certificate, the number of rounds that the person is allowed to acquire.

That's not what I mean. You said you get a view expressed by the examining officer? - No, the firearm examiner.

That is within the administration? - Yes.

How does that person get the necessary expertise to deal with a point of that sort? - Just that he has been working there for quite a number of years, the procedures have grown up with him. At one time he was under the supervision of other people when these decisions, in regard to what is acceptable and what is not acceptable, were decided, and thereafter this has gone on. He has also worked as a gunsmith and he is a shooter himself. He has a tremendous amount of experience with regard to shooting, types of weapons which are necessary for different disciplines, and the amount of ammunition which a person could go through if they are involved in competition shooting or gun shooting, an amount which is not over and above what may be required.

He really proceeds on the basis of the category or type of weapon that he is considering? - Yes. Very often when I was Inspector I would seek his advice as to whether the ammunition, there was too much ammunition or whether he felt it was a reasonable amount to ask for.

There may be occasions you may get a request that appears on the face of it to be questionable? - Yes.

In size? - Yes, and the person may wish to carry out certain functions and the firearms examiner would advise me on that.

Provided the application is in respect of a quantity which is regarded as normally acceptable then/

then it will be passed as a matter of course; is that right? - Yes.

RE-EXAMINED BY MR. BONOMOY: Now, Mr. Mather, many of these questions have been concerned with the issue of what is called a good reason for allowing the inclusion of a particular firearm in the certificate. Can I just quote to you Section 27 of the Firearms Act, 1968, "A chief officer of police has to be satisfied that the applicant has a good reason for having in his possession or for purchase or acquiring a firearm". Now, do you not accept that that must have some relationship either to the current position when the applicant makes his application or to his immediate intention to purchase or acquire? - Well, as I said, at the renewal time, that is when we would re-assess whether that person has still got a good reason. If he still has a good reason I know of no reason why we do not grant or remove that permission to purchase or acquire.

But if he has had authority for a number of years to acquire a particular weapon and hasn't done so how can it be said that when he renews his certificate he still has good reason for purchasing or acquiring that firearm? - Because the good reason is that he is a member of a club and that he is still a member of that gun club where he is able to fire that weapon, and this is taken as the good reason for that renewal, for being allowed to purchase or acquire if he subsequently wishes.

That good reason has to be for purchasing or acquiring the firearm -- and that would be plural if appropriate -- in respect of which the application is made. It is not just firearms but "the" firearm? - Yes. He has to show good reason for every individual firearm, but provided that firearm, provided he has good reason for having that firearm such as a member of a gun club, or a duplicate calibre or for some other reasons, such as a different discipline or a spare weapon, that would be deemed as enough.

Even though he has no immediate intention to acquire such an additional weapon? - Well, I am not aware of anything that says he does have to.

You are looking at it from the prohibitive/

prohibitive point of view, from the point of view of someone saying he can't, but this is worded in the positive way that the chief officer of police has to be satisfied that he has a good reason. How can you say there is a good reason, a positive good reason for acquiring a weapon when he may not have an immediate intention of acquiring that weapon? - Because he may wish to do it at some other stage during that time if he doesn't decide at the time when he is changing the certificate.

But/

2.40 p.m.

But that I suggest to you doesn't amount to having, at the time of the application, in fact, a good reason for acquiring the weapon? - Well, certainly that is the interpretation we have taken for a number of years.

Well, can I suggest that since the law has not yet been changed, and remains as it was at the time of the Dunblane incident, that you should think carefully about renewals meanwhile and about how willing you are to allow people to have added to their certificates weapons that they have no immediate intention of acquiring. It is simply something I suggest you ought now to consider. Are you prepared to do that? - Well, there is a section in the Guidance here that states about the good reason, and the gun Clubs I think at some stage -- I just can't remember the exact bit.

Are you going back to the Guidance? - Yes.

Well, if you look at 6.8, and at (e) and then at (i), first of all does it not say there that "A certificate for a handgun with ammunition should not be granted, except in very rare cases, unless the applicant has regular and legitimate opportunity of using the weapon"? - Yes, but that is what he did have. He had regular and legitimate opportunity to use the weapon.

Well, he may have had legitimate opportunity. Are you saying he had regular opportunity of using the weapon? - Yes. He was the member of a gun Club, so he had regular opportunity to use the weapon.

And that is it? Do you think that is what "regular" means there? - Well, the Guidance is open to the interpretation of the Chief Officers, and this certainly was our interpretation for quite a number of years.

And where then would you stop at deciding how many guns he should have? - Well, as far as the duplicate calibres are concerned, I would take advice from my firearms examiner, who has his expertise/

expertise in types of weapon, and when they should and shouldn't be used, because guns -- they are different sights, different weights and what have you, and I don't have the expertise to decide that on my own.

Well, who were you relying on in February 1995, when you didn't have the examiner dealing with this case? - Well, the examiner still takes part in the application process.

In February 1995 did Mr. Lynch have something to do with this case? - Not that particular one, but he is still.....

That is what I am asking. What did you do in 1995? - Well, I didn't check that at all because it was not within the procedure at that time. It would come to me within the Firearms Administration Department and all I would check was the RL3a form.

If you look over the page at Paragraph (i), and about five lines down, does it not say that "The good reason requirement will need to be satisfactorily demonstrated in respect of each firearm"? - That is correct, yes.

"Thorough enquiries must be undertaken regardless of whether this involves making enquiries outside the applicant's police area"? - Yes.

And you think that simply means "If he says he'll need another one in the next five years he can have it"? - Well, as I say, that is the interpretation that has been taken from the Guidance notes over the years.

Now, you were asked some questions about Production D82, that is Mr. Hughes' memo. Can you please have that in front of you again. In that memo in the second-last paragraph on the first page it says: "It emerged from inquiries that he, during the course of the first week of camp, seemed to become increasingly stressed and had difficulty managing the group. It was during one such moment that he became extremely angry and assaulted one of the boys. This particular child was in fact assaulted three times by Hamilton during the first few days of the holiday, and was eventually removed by/

by his parents". Now, that is not rumour or innuendo, that is a statement of fact? - Yes.

Is that a basis for considering revocation of a firearms certificate? - Well, it would very much depend on the severity of the case. I would need to see what the full information on the case was. Was there anybody injured? How serious was the assault? Was it a clip round the back of the ear, or what exactly it was. I would need more information before I could consider that.

So the fact that there was an assault three times during the first few days is not of itself enough? - Not from the information there, no.

LORD CULLEN: Mr. Taylor, as you have access to that document which you have read, could you possibly make arrangements for me to have a copy?

MR. TAYLOR: I shall do.

ROBERT ALLAN (65), Sworn:

EXAMINED BY MR. BONOMOY: I am a retired police officer and I live in Falkirk.

When did you retire? - 1984.

What rank did you hold? - Chief Superintendent.

And was that with Central Scotland Police? - That was with Central Scotland Police, yes.

In February 1977 were you a Chief Inspector? - Yes, at Stirling.

And did that involve you in some sort of supervisory role in relation to firearms certificate applications? - Yes, indeed.

As/

As a result did you have at least a part to play in considering the application of Thomas Hamilton for his original grant of a firearm certificate? - Yes, on the basis of the report submitted I had to decide whether or not an applicant was or was not a suitable person to be the holder of a firearm certificate.

Could you please have before you FA1, which is D22? Is that Hamilton's original application for a firearm certificate? - Yes it is.

Dated the 5th February 1977? - Yes.

And in those days there was no requirement for a countersignatory on the form; is that right? - No, there was -- on the form itself, no.

What were you going to say? - A pro forma report would be submitted along with the application itself.

And that is an RL3a? - Yes.

And that is a form regarding the inquiry made by the officer who was allocated that duty? - Yes indeed.

Now, could you look please at FA2, which is D23? Is that the inquiry form that came to you along with the application form? - Yes it is.

So the inquiries have been done before you were actually presented with the application form, to play your part? - Yes indeed.

And do we see your signature somewhere on the document 23? - Yes. This bears my signature and a note to the Chief Superintendent of the Division at that time, and I indicated that I had no objection to offer to the application.

On the form I am looking at there are six questions completed; is that right? - Yes, that is correct.

And the answer to each of these questions was "Yes"? - That is correct.

The/

The questions are listed, three on the left hand and three on the right-hand side of the page? - Yes.

And above them it says, "If the answer to any of the following questions is no, give details at 7 below"? - Yes.

If we just look at these questions, the first of them is "Is the applicant a suitable person to hold a firearm certificate?". That is answered "Yes"; is that right? - That is correct.

But then the next one "Does the applicant have a good reason for requiring the firearm or ammunition for which application is made"? - That is correct.

It simply says "Yes", there is no other information; isn't that right? - There is no other information on that form, no.

And the way it is worded is "Does the applicant have a good reason for requiring the firearm"; is that right? - Yes.

And then each of the other questions is just answered "Yes", with no other information about where the shooting is to be done. It is just said that the places are suitable, and where the ammunition and firearms are to be kept, it just says again "Yes, they are suitable" -- there is no additional information? - Yes, but the pro forma report relates to the application form for the grant of a certificate.

Yes, and you have got that in front of you? - Yes indeed.

And if we look back at it in relation to these various questions, do we see that the application was for one firearm, .22 target pistol? - That is correct.

That the applicant didn't possess any ammunition, but he wanted to be able to possess 1,000 .22 rounds and to purchase 500 at any one time? - Yes, that is correct.

On the second page, question 14, did he give/

give the reason for requiring the firearm? - Yes, indeed.

What was the reason? - And this is marked "Target Shooting".

And if you go back to the questions on the RL3a form, that is question 2? - Yes.

We don't get any more information on that? - No.

So the good reason being "Target Shooting"? - Yes.

If we go to question 15, he was asked where he intended to use the firearm and he said "Callander Rifle & Pistol Club, or other suitable Clubs and ranges"? - Yes, that is correct.

And that was accepted -- these were accepted as suitable places; is that right? - Yes.

So we really don't have much in the way of additional information when we go back to the application form itself? - No.

Now, where is your signature on the RL3a? - My signature, as I said, refers to a note to the Chief Superintendent, at that time, the Divisional Commander, and I indicated that I had no objections to offer to the application.

So you just say "I have no objections", and you sign it, and it is dated the 9th February? - Yes, that is correct.

What was the extent of your checking of the material that was being presented to you before you said that you had no objection? - On the basis of the report submitted, the inquiring officer would be entrusted to carry out proper inquiry, and perhaps liaise with their immediate superior officer who at that stage would be a sergeant, and once it had reached that stage there would have to be something which was amiss or remiss in connection with the application for my attention to be drawn to it.

And/

And is it right to say that the sergeant had signed the form? - Yes.

And is there an inspector's signature there as well? - And an inspector.

Before it ever gets to you? - Yes.

Now, I think in August 1977 you were still at Stirling; is that right? - Yes.

And again you dealt with an application from Hamilton; is that right? - Yes -- but could I perhaps have the form?

Yes, if you look first of all at FA9, I hope is a good guess. It is D29. Is that an application for variation? - Yes it is.

And is it dated the 19th August 1977? - Yes.

And if you look at FA10 which is D30, can you confirm that that is the corresponding RL3a form? - Yes, it is.

And we have your signature, do we, on that one? - Yes -- it bears my signature on a comment to the Chief Constable, at that time at Superintendent rank, that I recommended the variation.

And that is dated the 29th August? - Yes.

1977? - Yes.

Now, the variation was to change the weapon I think; is that right? - That is correct.

And it is now a .22 Smith and Wesson revolver that is sought? - Yes. At this stage I refer to a .22 automatic pistol, without specifying the actual make, and it also referred to a .22 rifle to be added to the certificate.

And I think the reason given again this time is "Target Practice"; is that right, Page 2, question 14? - Yes.

And/

And in fact this is an identical application form to the one that you looked at a moment ago, the only difference being that the applicant scores out the words "grant and renewal" at the top of the first page, to leave in the word "variation"? - That is correct.

If we can turn then to the investigation that was carried out, am I right in saying that each of the six questions was again answered "Yes"? - That is correct.

But No. 7, which is the blank space for "comment" was completed? - There is an entry there, yes.

And is that by Inspector Wisdom? - Yes.

Now, what has he written in at 7? - It says: "Hamilton seen and warned verbally by me on 26th August 1977 that he should not have acquired the .22 Smith & Wesson revolver without firstly applying for variation of certificate. Hamilton fully accepted responsibility and states he was misinformed by the Firearms Dealer in Glasgow regarding proper procedure. Existing certificate will now require variation deleting all reference to .22 Vostok pistol number K3573P? This matter was reported on by Constable Anderson, Stirling, at which time, on 6th April 1977, the necessary amendment should have been made to his certificate".

So having got that explanation you were happy to allow the variation to go to the Chief Constable with the recommendation that it should be granted? - Yes.

1979 I think you were still at Stirling, but now Superintendent? - Yes.

1979? - Yes.

Sorry, yes, you were also a Superintendent at Stage 2? - Yes.

Sorry, my mistake. Now, in November 1979, in relation to that period could you look at FA12 which is D32? - Yes.

Is/

Is that another application that came through your hands? - Yes.

Look at FA13 please as well, which is D33, and is that the form with the sixth question answered as usual? - Yes, exactly the same form and answered in the same fashion.

And this is for the renewal -- sorry, this is for another variation, rather, of the licence? - A variation, yes.

And you again recommended the grant of this to the Chief Constable? - Yes I did.

Now, I think this time there are additional weapons added -- the Smith and Wesson revolver is still there but there is a .22 Anschutz rifle and a .22 Browning pistol added? - Yes.

There is also another addition which this inquiry will find of some significance at question 5. What is the addition there? - Yes. This is for a variation to increase the number of firearms by adding one .357 revolver and a .270 rifle.

And that is a reference to weapons to be acquired? - Yes.

So it is in relation to these two that this application has been lodged; is that correct? - Yes, that is correct.

Now, the application also deals with the question of ammunition? - Yes.

And you will see there that he claims to possess 850 rounds of .22 ammunition? - Yes.

And then on the question "The maximum amount desired to be possessed at any time", how does he answer that? - At that question he required 1,000 rounds of .22, 100 rounds of .357 and 100 rounds of .270.

And the amount he desired to be able to purchase at one time was half that? - Was 500 .22, 50 .357 and 50 .270.

Now, over the page at 14 he is asked to give/

give a reason for requiring each of the firearms. What reason did he give? - It is written "I want to shoot full board target shooting".

And that would explain these weapons? - The calibre, yes.

Would that explain the .270 rifle? - Yes.

And at 15 I think he says where he is going to do that? - Yes.

Where? - At -- in quotes -- "At full bore ranges, Dunblane, and range under Hamilton Police Office", as he refers to it there. That is the Clyde Valley Rifle Club, is my understanding.

Now, at that time the reference to Dunblane would be a range called Whitestone? - Yes, that is correct.

And at that time he could shoot full bore at Whitestone? - Yes.

So he, on the face of it, is demonstrating a legitimate place to carry out the activity he intends to carry out? - Yes.

Now, all the questions were answered in the same way as, before, "yes"? - Yes, that is correct.

But then there is a comment at 7 again has been added by the inquiry officer; is that right? - Yes, at number 7, yes.

And that inquiry officer was Constable McLay? - Yes.

What was the comment? - "Hamilton is at present a member of Dunblane Rifle Club, and is at the moment awaiting notification of his membership if the Clyde Valley Rifle Club, whose ranges are situated underneath Hamilton Police Office. The Clyde Valley Rifle Club is a full bore Club".

So there was a basis for granting the application? - Yes.

In

3 p.m.

In 1980 I think you were still Superintendent in Stirling; is that correct? - Yes.

Look at FA16 which is D38? - Yes.

This is an application for renewal? - Yes.

And that application is dated 13th January, 1980? - Yes.

Could you also look at RL3A which is FA17 and D39. Can you confirm to me by this time Hamilton according to the application possessed a .22 revolver, a .22 rifle and a .22 pistol? - Yes.

He also possessed now a .357 revolver and a .270 rifle? - Yes.

His ammunition requirements were the same as before? - Yes.

Nothing on the face of the application is really significantly different from any of the others? - No different, no.

The six questions on the RL3A are exactly the same way? - Yes indeed.

And you recommended grant of the application? - Yes.

There was nothing on the face of it that made you do otherwise? - No.

Lastly can I ask you about 1984. I think you had been promoted by then? - Yes.

And were Chief Superintendent? - Yes.

Would you look please at FA29 which is D46. Is this another application by Hamilton dated 27th October, 1984? - Yes.

What is this application for? - This is for a renewal and a variation of the firearms certificate.

He/

He wouldn't actually be due to renew his certificate, was he? - Yes.

Well, we know that he had been granted one originally in 1977; is that right? - Yes.

And then 1980. Was he due to have a renewal at the end of 1984-beginning of 1985? - Yes.

If you go to the last page where he has actually signed it with the date, does he also score out "renewal" there so that this is only an application for variation in fact? - I beg your pardon, yes, indeed.

I think I see where the problem is, he has left "renewal" on the front page? - Yes.

I think you can take it from me this is only an application for variation. Can you tell us from the form what the variation was? - Yes, the variation was to delete certain of the firearms and to acquire further firearms.

As a result of the application would he be left with a .22 rifle and a .357 revolver? - Yes.

And permission to acquire a 9mm pistol? - That is correct.

And a .223 rifle? - Yes.

This is 27th October, 1984? - Yes.

Is there also there a letter, in fact more than one letter, about the disposal of some of the firearms? - Yes.

To say he is in fact disposing altogether or four firearms? - That is correct.

Otherwise, does the form follow the usual pattern? - Yes indeed.

If you look at the RL3A which is FA30 (D46A) all the questions answered in the usual way? - Yes.

And/

And a comment there. What is the comment this time? - It is endorsed "Hamilton has disposed of the following four weapons, a .22 Browning pistol, a .22 Smith and Wesson revolver, a .22 Browning rifle and a .70 Sako rifle" and the numbers of each, they are also quoted.

There is a further note? - "He wishes to obtain the following two weapons -- a 9mm pistol and a .223 rifle".

And as Chief Superintendent you recommended to the Chief Constable that this should be granted? - Yes.

Who actually has signed the very bottom of the document? - This is someone who has signed on behalf of the Chief Constable.

And I take it that throughout dealing with this application your role was simply that of checking that on the face of the application form and the RL3A form everything looked in order? - Yes indeed.

And on the assumption that the enquiring officer would make enquiries that he or she had been trained to make? - Yes indeed, due and diligent inquiry.

No cross-examination.

MR. BONOMOY: Sir, we do our best to present the evidence in a coherent and logical form but occasionally the best intentions are disrupted. At this stage, while I appreciate it does interrupt the flow of evidence about licensing, it would be convenient to complete the evidence, this morning's evidence on intelligence information in the possession of the police, and it may be appropriate to some of the later questions on certificate procedure. So to complete that chapter I have two witnesses and the first of these will be David Plain and Mr. Lake will take his evidence.

DAVID PLAIN (36) Sworn

EXAMINED BY MR. LAKE: What is your present/

present occupation? - Detective Constable.

How many years police service do you have? - 18.

Which office are you stationed at? - Currently the Crime Management Unit at Police HQ.

I understand you are presently Force Intelligence Officer for Central Police? - Yes.

How long have you held that post? - Three years.

I understand you are aware of the means by which Criminal Intelligence was managed prior to you taking up your post as Force Intelligence Officer? - Yes, I understand it.

Prior to considering the detail of the ways in which intelligence is used I would like to look at the way in which intelligence information is stored with Central Scotland Police? - Yes.

I understand it has been stored in three different ways at different periods? - That is correct.

Prior to 1990 by what method was intelligence information stored? - Purely manually, by paper submission and a manual card index.

Who would make the paper submission? - Any officer of the Force.

Who would they make it to? - To the Force Intelligence Officer.

What did he do with it? - He would then look to see if there was a nominal card or a reference card in respect of the information concerning the individual, and raise a nominal card if there wasn't.

What is a nominal card? - It is a brief card with the first name, the surname, the occupation, any other characteristics he would need to add.

If there was an intelligence submission information/

information would be transferred from it to the nominal card? - Yes.

Would the nominal card relate to purely persons? - No, it could be a vehicle or a place.

How would the nominal card be stored -- in what order? - They would be alphabetical I would imagine.

How were the intelligence submissions stored? - They would be by year, number and the particular year, so that basically the card would have a brief part of the submission -- say this person was a housebreaker, for example, and you would have the reference number, and the year to have the full information.

So it would be necessary to cross-reference to the intelligence submission? - Yes.

Was there any other means of storing information with the paper based method? - Yes. There was a main file index on more serious criminals.

What was that? - Basically that was -- where you have a nominal card it was just like a bigger nominal card where it became a larger file, and prolific criminals were kept apart, so to speak, and when it comes to the main file index it operated exactly the same way.

For the avoidance of doubt, can I ask you to look please at a document DIntel FID3. Is that an example of a manual submission to the paper system? - That is exactly one that would be filled in by the Criminal Intelligence Officer, and you will see at the top right OP782. The one the police officer would fill in would be OP781.

And OP781 would be sent to the Intelligence officer who would complete this form OP782? - Yes.

And intimation from the body would also -- a summary of it would be transferred to the nominal file for that particular person? - Yes.

When did that system last until? - Approximately/

Approximately 1990.

What happened in 1990? - The Force introduced a stand alone computer system.

Where was that based? - At the Criminal Intelligence Office.

In? - Police HQ.

In Stirling? - Yes.

How was information entered into that system? - Basically that system mirrored exactly our manual system. Basically you had a computerised card. You still received form OP781, which is the Intelligence submission by police officers, the difference being before it was filed it was typed on to a text file on the computerised system. The cards were cross-referenced exactly the same way, and if you updated your card in respect of everything on the computer path above it, you then have the actual text typed on the computer.

Was the nominal card also contained within the computer? - Yes.

What happened to the pre-1990 records once the computer system was set up? - I believe the majority of it was back-converted on to the computer. Whether they were all done I don't know.

Does that mean they were written on to the computer system manually? - Yes.

If anyone had wanted to consult the pre-1990 paper system how would they have made an inquiry? - By phoning up the Criminal Intelligence Officer who would check the new system on the computer system. With regard to previous cards I have no idea what happened; they weren't there when I was there.

If someone say in 1989 wanted to make an inquiry regarding Intelligence on the new computer system how would they have done that? - By asking the Intelligence Office to check the card. They gave the Intelligence out.

After 1990 when that information was on the/

the computer how would that be done? - Exactly the same way. The computer was stand-alone and only the Criminal Intelligence Officer had access to it.

How long did that system last, the stand-alone system? - Until 1993.

What happened in 1993? - The Force in April 1993 had went Force-wide with computerisation for crime reports etc., and in September of that year went live with the Criminal Intelligence submission system.

How did someone put that system in? - Instead of raising a manual form OP781 they typed automatically on the computer. Everybody in the Force had access to it.

What happened to the information contained in the stand-alone system when the Force-wide system was introduced? - The stand-alone system remained until October, 1994 when the Criminal Intelligence Office stopped -- or we stopped -- at the time of the setting up of the Criminal Management Unit I believe the stuff was taken from -- all the Intelligence information was taken from the stand-alone computer and put on to the new computerised system on a separate path so that the Force could have access to it all.

So all the information which had originally been on the paper system ought to have been carried through the stand-alone system on to the Force-wide system? - That is correct.

Are you able to suggest the circumstances that would have meant that didn't happen and information was lost? - If it hadn't been back-converted on to the Paradox in the first place it wouldn't be replicated on the Trace.

What was the criteria for deciding which information was converted from the stand-alone system? - I wasn't there when that was done. Any back-conversion would really be on active criminals or -- if it was older material it may not necessarily be back-converted.

Are you aware there was information on the paper system which was not converted on to the computer/

computer system? - I am.

What happened to the paper records? - All the main files still exist. With regard to the older documentation, I believe from about 1988 or 1989 the old paper forms were destroyed.

This is prior to 1989? - Yes.

You have given the date 1988. Was it information after that was destroyed or information before that was destroyed? - Before that.

So that in what circumstances would a check still be made of the paper records that are available? - If a person was -- if someone was phoning up from another Force looking for information on somebody and the information existed on the main file index -- it may be a serious murder or something like that -- all that information is I imagine antiquated, it is not current stuff, and these are old files. Everything that is on Trace has been running for three years and it is the up-to-date system now.

You have seen the document in front of you which is Dintel F1D3. It is an Intelligence log dated 23rd June, 1988. That paper record has obviously still been available for production to the Inquiry? - Yes.

If someone had wanted to check that information on Hamilton would they have been able to refer back to that? - Yes.

You are not aware of what circumstances a paper check like that would have been made? - No.

You mentioned earlier that you provided information when inquiries were made of you. Who was permitted to receive information from the Force Intelligence system? - Well, the current system, any police officer has access to it.

Are any parties outside Central Scotland Police able to gain access to it? - Not directly.

Who must they go through? - Well, they come to me first -- well, prisons etc., they ask for information, and obviously that would have to be agreed/

agreed they would get that information.

Would other police forces be able to get information?

- Yes, other police forces.

Would Local Authorities be able to get information? -

I have never been asked for information from Local Authorities, and I think they would have to seek permission to release that, and I would go to someone above me.

Who would you seek permission from? - My line manager.

Who is he? - A Detective Chief Inspector.

On the current Force-wide system is the information contained on that available to civilian employees of Central Scotland Police? - I believe so, yes.

The previous systems, either the stand-alone or the paper based system, was that information available to civilian employees? - Well, like all police officers, they would have to phone up and ask the information. As to whether they would get it I don't know. I have never been asked by a civilian for that information.

Can I ask you to look at DIntel FD1 which is a folder D1 Chapter I(iii). What does that refer to? This is a single sheet. Can you tell us what that document is please? - Yes, this is an extract from a nominal card referring to Thomas Watt Hamilton, and this is taken from the dump on the current system or the stand-alone system.

This information has been accessed from the current Force-wide system? - Yes. It is basically the nominal card that appeared in the stand-alone system.

If someone were now to contact and inquire of the Force-wide system Trace using the inquiry "Thomas" and "Hamilton" would they expect to find this entry thrown up? - No.

How would they find this entry? - Through myself or through the Criminal Management Unit./

Unit.

They would need to specifically ask? - Yes, because the majority of this -- the Criminal Intelligence System operates on active information, and a lot of the stuff held on the Paradox and other information, some of the dates 1988, '87, I think it got weeded out eventually, and this is on a separate path so it is not actively kept recently.

The stuff that was formerly held on the Paradox system is not available Force-wide? - No.

Looking at this form, we see a list of headings including the address, and there is a heading "Comment"? - Yes.

In fact there are two abbreviations, one is "Homo" and one is "Ind/ch"? - Yes.

What do these two summaries stand for? - "Homo" stands for homosexual, and "Ind/ch" stands for indecency to children.

On what basis would that entry be made? - This is the nominal card, and you would have a card created and processed by Intelligence that indicates these comments are applicable. There is obviously something in the machine to suggest the person may be involved in this type of activity.

If someone had spoken to you and obtained this information from the Trace system how would they go about finding the paper records on which that comment entry had been made? - As far as Trace is concerned any information that was looked for clearly could still be traced because the text copied across. I have checked this since and there is no text; for some reason this has never been back-converted. I have no idea how you would get the paper documentation. When the documents from Paradox were carried across into Trace whenever we got a submission it was typed on manually by the Force Intelligence Officer on the Paradox system and that information was transferred to Trace. In respect of this nominal there should be files on Trace but there isn't so I can only imagine they have never been on the Paradox.

The computer entries weren't transferred during/

during the transition on to the Paradox system? - Only the nominal card.

Are you aware of any difficulty which arose in relation to the Trace system during 1995? - Yes, I am.

We have heard that difficulty resulted in certain entries being over-written? - Only in respect of some, only in respect of the Headquarters Archives. They still exist.

This problem started in July, 1995, the over-writing? - I believe that is when it started.

Would you be able to say whether an entry that had been entered on to the Trace system on 25th January, 1995 would have been available to someone who carried out a search on 8th February, 1995? - Yes, it should have been.

Would there be any reason why that should not become available? - No.

CROSS/

3.32 p.m.

CROSS-EXAMINED BY MISS DUNLOP: I may be missing something, but I am slightly confused as to where these earlier intelligence reports have been. It has obviously been possible to retrieve intelligence reports going back indeed as far as 1981. Are you able to tell us where these have been lying? - No.

No re-examination.

MALCOLM ROY (40), Sworn:

EXAMINED BY MR. LAKE: I am presently a Police Sergeant stationed at Denny. I have 20 years' police service.

I understand that you were formerly the Force Criminal Intelligence Officer in Police Headquarters at Stirling? - That is correct, yes.

And you were there in 1990 when a computerised intelligence system was first introduced? - Yes, that is correct.

What was your responsibility in relation to the transfer of the previous paper records on to the computerised system? - I was responsible for the full back-record conversion from the paper system on to the computer.

Were all the paper records transferred on to the computer system? - No, not at that time. At that time I took the opportunity to have a weed of the information, and some information that was classed as outdated was destroyed.

How did you categorise the information that was outdated? - Well, it depended on each individual piece of information, what it was about, who it might be about, and I made a decision whether it should be kept or not.

There was no simple time cut-off applied to these things?  
- No, not at that time, no.

Was/

Was the information that you weeded -- did that consist solely of the text entries, or did that relate also to the nominal files? - It related to the nominal files. If all the text was deemed to be for weeding and destruction, then there was no point keeping the nominal record for someone you didn't have any text on, so the nominal record was destroyed as well.

Could I ask you please to look at a few of the documents within the Police Intelligence File which is D Intel FI. I just want to ask you briefly: do you recognise some of these entries relating to Thomas Hamilton? If you don't, if you could just simply indicate that. The first within that file would be Document reference D2, which is also D2 in I(III). Do you see that is a flyer headed "Dunblane Rover Group"? - Yes.

Do you recognise that? - I do, yes.

When did you come across that previously? - I came across it in the Intelligence system when I worked in the office.

Are you aware whether that was information that was weeded out in the process of transferring to the computer system? - No, it wasn't weeded out. It was retained on the file.

Could I ask you to look at D3 please? Do you recognise that as an Intelligence log dated 22nd June 1988? - Yes.

Have you seen that previously? - Yes, again I have seen that within the files at the Intelligence office.

Was that one of the ones weeded out, or was it transferred? - No -- if I could explain, you are talking about weeding out and transferring. What happened, the old manual system consisted of box files with documents similar to that that you have that show the number of the record -- No. 379/88 -- that would be the 379th piece of information submitted to the Intelligence Office in the year 1988. Now, that was cross-referenced to a card that was kept in alphabetical order. So if someone came in and wished to know information about Thomas Hamilton, you would go to the/

the card nominal index, find the name Thomas Hamilton, and on the back of it it would refer to entry 379 of 1988, and any other records kept for that person. When I did the back-record transfer, the information was not actually put into the computer. What actually happened was I created a nominal record like an old manual card for Mr. Hamilton, and on that card I marked the number "379 of 88", and any other reference that referred to that person. To actually physically go in and put all this information into the computer would have been far too big a job to do. So when the computer was set up, new information coming in was typed longhand into the computer, but the old paper files, the computer just acted as an electronic index, if you like.

So effectively it was only the nominal card that was set up on the Paradox system? - That was for previous information that was held. Any new information coming in on a subject that was held on the system would be typed into the computer and would be retrievable on the computer, but the old paper files, what these are -- all that referred to them was the number -- for example that number there "379/88".

So if someone were to look on the Paradox system and discover the nominal card for Thomas Hamilton? - Yes.

How would they find the intelligence information referred to on that? - Right. When the nominal card was brought up on the screen one of the function buttons was pressed which in effect flicked the card over on to the back of the card, and there there would be a list of the previous information, the numbers on the file, and if there was new information there would be a computer reference to where the new information was within the computer, and you could then find that information on the computer through that reference number.

Can I ask you to look back a little on that file to Document DI? - Yes.

Could you tell us please what that is? - It is my understanding that that is a print of the nominal record of Thomas Hamilton that was taken from/

from the Force Trace computer system after the Paradox number records were converted on to the Trace computer system

And in the course of that transfer what was done with the information as to where to look for the intelligence submission? - I can't answer that question. I wasn't in the Intelligence Office when that transfer was made.

You see, that nominal ledger which forms Document DI, although it provides details of Thomas Hamilton, doesn't indicate how a party would go about finding the intelligence submissions on which this has been produced? - Yes, I appreciate that, but as I say I don't know -- when the information was transferred electronically from the Paradox system on to the Trace, I wasn't -- I was actually working away from the Force at the time. I don't know what happened when that was done.

No cross-examination.

MR. LAKE: This morning at the conclusion of the witnesses I had taken I made reference to a letter sent by a certain parent. Contact has now been made with that parent, who is happy that her letter be read out, but has requested that she be not identified in course of the proceedings.

LORD CULLEN: I see. So I take it no names -- other than of course Mr. Hamilton's -- will be mentioned?

MR. LAKE: That is my intention.

LORD CULLEN: Very well, if you will just proceed.

MR. LAKE: "On reading the newspaper reports of your Inquiry I have come to the conclusion that my account of my experience of meeting Thomas Hamilton may be relevant. I have been very upset by the events, and previously thought that there would be plenty of people with similar experiences and that one more voice would not make any difference. I now think that it would not be right for me to make that decision, and I would like to give my account for your information.

In/

In the Spring of 1993 my son, who is now 12, came home with a leaflet about the boys' club and asked if he could attend. As other boys we knew were also going to attend, and it was at the Stirling High School, and a father of one of the boys had agreed to take them and collect them from the school, then we agreed to let him attend.

He attended only a few times, when he came home with two videos saying that 'I was to look at these and please, please, could he go to the summer camp'. I watched the video, which started with a group of boys emptying a mini-bus of luggage. They seemed to be in school grounds. The next shots were of the boys in the school dinner hall helping themselves to food. There appeared to be no sound, and I fiddled with the controls of the video and realised, to my surprise, that there was sound as I could hear the sound of the cutlery and the scraping of chairs. I thought it strange that the boys were so quiet. There was no laughter and no talking throughout the whole video. The video went on to show boys dressed only in shorts and training shoes going through a series of exercises which resembled military drill, mixed with some quite strenuous gymnastics. The video seemed to focus particularly on one dark-haired boy. All the boys, about eight in total, had pained expressions and never smiled. The second video contained shots of a normal class doing similar exercises.

I was uneasy after watching the video. My son told me that the video was to be passed on to other parents. I did not express my uneasiness at that time, but was keen to hear the reaction of other parents. The other parents were equally if not more concerned, and one parent withdrew her son immediately. My son enjoyed the class so much that I knew he would be upset at being told he could not attend, so I started to ask questions. I asked my son about how he had heard about the club. He said that Thomas Hamilton had given out leaflets to boys in the park. He now tells me he thinks that the leaflets were given out at school. I asked him about the type of exercises they did. He had been complaining of pains. He described one particular exercise which I did not think would be physically within the capability of a boy of twice his age. As he is very small for his age and has a condition which makes games difficult, and his joints very loose/

loose, I was even more surprised that he had been able to do this exercise. I was also concerned that they may cause some damage.

The next club night I agreed to collect the boys from Stirling High School. I arrived at the school and found that there was a seniors disco on in the assembly hall. I went to where I thought the gym hall was, to find it locked. I was puzzled and concerned. I found a janitor and asked him where the gym hall was. His description confirmed that I had found the right room, but I told him it was locked. He told me that this was to stop any of the young people in the assembly hall from wandering in. He came with me and unlocked the door.

Thomas Hamilton emerged from the changing room smiling. The boys were making normal noises in the changing room. I noticed the large video camera perched on top of a tripod. He started to dismantle this and pack it away. As he was doing so I introduced myself as my son's mother and asked him about the club. Although I was very concerned, instinctively I knew not to let my concern be seen, but I quietly questioned him without appearing threatening. He told me what a wonderful boy my son was and how he showed great promise as a gymnast. This did surprise me. He said how polite and well mannered he was. I asked about how many boys he had in the club. He said he had started with about 19 but it was now just 4. I suggested that these numbers may mean that the club would not be viable. He said that it did not matter to him. He only wanted to work with boys who were keen on sport and who were not just interested in drinking Coke and sitting around talking. He liked to work with boys like my son from good backgrounds who responded well to the discipline which he insisted on. I asked him about the video camera and why he needed it. He said it was used to play back the moves to the boys to show them where they went wrong. I asked him about how long the boys warmed up before their exercises. He said they spent about 10 minutes running and stretching. I asked about why the boys did not wear their T-shirts. He said that it was important that the muscles were visible so that he could see what they were doing wrong and that he could explain this to the boys by referring to the video. I asked/

asked him about how many boys' clubs he ran. He said he had four others.

As the boys emerged from the changing room I started to herd them up and get them out. I was growing more uneasy. Mr. Hamilton repeatedly said what a wonderful boy my son was and referred to how he only wanted to work with boys from nice homes. He followed me out into the car park and on the way said what a nice house we had. I wondered how he knew which house we lived in. He said he liked old houses and had lived in an old house at the top of the town as a boy with his parents but they moved because the house was haunted. He said that he would wake up to feel very cold and could see something at the bottom of his bed. He said that it made noises. He said he asked to be moved from the room and that it was used for bed and breakfast purposes. He said that some of the guests were frightened and some thought it was great to be in a real haunted house. I cannot remember what my response was, but I was concerned to get away as quickly as possible. I was conscious all the time that I must not show my concern to him or to the boys.

I got the boys home and then talked over my concern to my husband. I concluded that, although there was no evidence of anything abnormal and he was quite open with his videos and his prejudices, I instinctively knew it was not right. We talked about the economics of the club. As he did not charge anything I could not work out how he could keep five clubs going at once. We also could not understand how one person could give up so much time to do this voluntary work. I was also concerned about his motives. If he was working to improve the lot of boys, then why only work with boys who clearly came from good homes where they wanted for little?

I decided to speak to other parents and to make some enquiries. I spoke to a friend at work -- her husband was a community educational officer in Lothian -- to find out if the club was part of a bigger group. He relayed the information that he knew of the club and that it was 'a one man band'. He also said that Lothian had banned his use of educational premises and that he would be concerned as a parent about sending his son to the club. I spoke/

spoke on the telephone to Central Regional Council. A very concerned individual phoned me back at work and took details of my concern. She said that they were aware of the situation but that they were powerless to do anything as there was no direct evidence. She would keep details of my complaint, and that it would be passed on to the police. She added that I should withdraw my son if I was in any doubt. I asked whether it was legal to take videos of children without the permission of the parent. She said that the police had been informed of this concern as it was shared by others, but that there appeared to be nothing that they could do.

I spoke to other parents who had also been making similar enquiries. We all agreed to tell the children that the club was closing because there were not enough numbers. We all felt very bad about telling the children this white lie, but thought that it would make it easier for them. Throughout this time we were very conscious that the boys enjoyed the club and that they showed no concern at all about Mr. Hamilton.

The father of one of the boys agreed to go along to the club on the next night to explain to Mr. Hamilton why none of the boys had turned up. Apparently Mr. Hamilton was abusive.

Within a few days we all received a long, articulate and detailed letter explaining what his club was about and why he used the video and why he insisted on the boys being bare-chested. On reading the letter I realised that there was no doubt that my instincts were right. The tone was threatening. It had also been delivered to the house by hand between 11 p.m. and 6 a.m. I felt sick but decided I had done all I could.

I received at least two more letters along the same lines and in the same manner over the next few months. I found that I could not read them as they upset me too much. I put them in the bin.

In February 1996 I was surprised to get another letter. This time it had been posted. I still could only scan its contents before putting it in the bin.

On/

On realising that Mr. Hamilton was responsible for the deaths of the children at Dunblane I contacted some of the other parents who had children at the club at the time my son was attending to find that I was the only one who had got the letter in February.

I hope that this account will help your investigation" -- and that letter is dated 6th June 1996.

LORD CULLEN: Thank you. Do you want it to be given a number of any sort -- is that unnecessary? Perhaps not.

MR. LAKE: Yes, I understand the next number is R33 on the list of original Productions.

LORD CULLEN: Very well, that will be done.

ALLAN CASSIDY (72), Sworn:

EXAMINED BY MR. BONOMY: I am a retired police officer and I live in Poole in Dorset. I live at Flat 5, 41 Cliff Drive, Poole, in Dorset.

You retired as a Police Inspector with Central Scotland Police? - That is correct.

When did you retire? - 22nd July 1977.

Just before you retired I think you did deal with an application for a firearms certificate submitted by a man called Thomas Hamilton? - That is correct.

Prior to that did you know of this person? - No.

Even after you had dealt with the application was his name of any particular significance to you? - None whatsoever.

Could you look please at the form itself, which is FAI, also D22? Do you recognise that/

that as the application form dated 5th February 1977? I can see you are doubtful. Would you look at FA2, please, which is D23, and once you have got that beside you you may be able to answer the question more easily? - Yes.

So is that an application you dealt with, along with the RL3a form which you, I think, have initialled at one stage? - Yes I have.

Now, what was your role in the exercise of dealing with Hamilton's application for his original firearms certificate? - This would be submitted to me as the Duty Inspector in charge of the shift, or else it may have been on a particular day when I was dealing solely with reports, so it would be one of many that would come to me.

So what did you have to do with it? - Ensure that it was in fact correct, that the officer investigating it had collated the information, and that the applicant was suitable.

And can I take it really all you are able to do is to look at the form which he has submitted seeking his licence and then check that the officer who was enquiring into the application appeared to have carried out the appropriate enquiries? - That is correct.

Beyond that can I take it that your function wasn't to consider the merits of the application in any way? - No, it wasn't.

Now, from you where did the application form and the RL3a form go? - That would go to the Sub-Divisional Officer, Mr. Allan, who was the Chief Inspector at that time at Stirling.

Well, we have heard from him and we see his signature on it, on the 9th February. What is the date against your initial? - It is 9th of the second 1977.

So it is the same date as his? - The same date, yes.

So can I take it that in 1977 that was the standard procedure, that a Constable would carry out the appropriate enquiries and you would be one of/

of the officers who would check that everything appeared to have been done properly as the form and the RL3a were passed up the chain to be eventually dealt with by the Deputy Chief Constable? - That is correct.

CROSS-EXAMINED BY MR. TAYLOR: Mr. Cassidy, you told us one of the functions which you would have would be to examine that the enquiry officer had done all that was called upon him to do? - Yes.

Would it also be the case that if you were aware of any information, from your position as the Inspector -- was it Inspector you were at the time? - Inspector, yes.

From your position as Inspector, that you would input that information as the form was passed up the line? - I would, including any adverse report -- if such were the case.

That being an adverse report from the enquiry officer? - Yes, or if I knew of anything from my own personal knowledge, but I had no indication of that.

No re-examination.

LANCE RATTRAY (55), Sworn:

EXAMINED BY MR. BONOMOY: I am a retired police officer. I live in Cambusbarron.

What rank did you hold when you retired? - I retired on the rank of Chief Superintendent.

When was that? - In April 1995.

Now, I think you did deal with certain matters affecting the firearms certificate held by Thomas Hamilton, and I would like in that connection to ask you to look at certain documents. Could you look please first of all at Document FA34, which I hope is D51A? Is that an application for renewal of a firearms certificate? - Yes, by Mr. Hamilton.

I/

I think if you go to the very end where he has signed it, it is dated 3rd January 1986? - It is, yes.

And it is both an application for renewal and for variation of the existing firearms certificate? - Yes.

Now, I think you dealt with that application; is that right?  
- I would need to see the other form. My signature is not on the document.

Let us look at the RL3a. Would you look please at FA35, which is D52? - Yes, I did.

Now, you were what rank at that time? - Superintendent.

And you recommended to the Chief Constable that the application should be granted; is that right? - I did, yes.

And that follows your examination of the application form? - Yes.

And the RL3a; is that right? - Yes.

Now, going back to the application itself, can you confirm to me that it explains that the applicant Hamilton has got a 9mm pistol, a .223 rifle and a .357 revolver? - It does, yes.

And that he seeks authority to hold a 7.62 rifle and a 9mm pistol? - Yes.

Now, the effect of that is that he would get authority, if this was granted, to both possess a 9mm Browning pistol and acquire another 9mm pistol? - That is correct.

Now, were you aware that this was the first time he had asked for authority to have two 9mm pistols? - I would be.

Would/

4 p.m.

Would you look now please at AD2A form which is FA36 of D53. Is there some sign on that document that it has passed through your hands? - Yes, it has been seen by me and referred to Headquarters.

And there is a date on which you have seen it? - Yes, 28th January.

That is 1986? - Yes.

We have already seen that the application was on 3rd January; is that right? - Yes.

If we go back to the RL3A on what date did you sign the RL3A? - 16th January.

So the document we are now looking at the AD2A, was seen by you at a later date? - Yes.

And you have stamped it 28th. I think it has actually got the 29th as the date, but it is obviously towards the end of January? - Yes.

And attached to it is there something in handwriting? - Handwriting and typing, yes.

I have got two separate sheets here. My document may be a little different. Is that one written on both back and front? You have got a sheet attached to a typewritten sheet? - Yes. I have got the tab.

The tab is handwritten by one officer to another? - Yes, it is.

Is that tab all handwritten? - No.

What is typed on it? - It is a note from myself to Chief Inspector Bell.

What does this note say? - This asks -- well, can I read it?

Yes please? - "It would appear that so many dealers are not aware of the procedure to be adopted when selling, purchasing firearms as they have completed certificates showing they have purchased/

purchased the gun".

Should they not have done that? - Well, I would need to refer to the original certificate to see. I can't honestly recall at this stage.

Is there a date on that reference? - 13th January.

And that is from you to which officer? - To Chief Inspector Bell who is then in charge of firearms.

Did you get a reply to that? - There is no written acknowledgement.

There is a handwritten part then on the same document? - This is from -- I can't read the signature but I would say it is an Inspector to Sergeant Binning, which says, "Apparently it is unlikely that a second 9mm pistol will be granted. See Mr. Hamilton and obtain full details of his reasons for requiring two pistols of the same calibre, i.e., why is one not sufficient. Then re-submit the attached to me".

ASAP? - Yes.

Is there a date on that? - Yes -- no, there is not.

Is there any way of telling whether that had been written before the RL3A was signed by you? - I would have to assume that it was completed before the RL3A was signed by me.

Well, if you turn to the typewritten part attached to AD2A, is that from Acting Chief Inspector Mill to the Chief Superintendent of A Division. Who was the Chief Superintendent of A Division then? - I can't recall if it was Mr. Gunn or Mr. Hunter.

What does it say? - It refers to the variation in the firearms certificate 4588 in the name of Mr. Hamilton, and refers to the above application in which Mr. Hamilton is applying to vary a certificate to include a purchase of a 7.62 rifle and an additional 9mm pistol. Mr. Hamilton is active in competition shooting throughout the country/

country and it is his intention to purchase the additional weapons for this purpose. The additional 9mm pistol is of a type which is advanced in design to his existing one and includes a weighted handle for greater accuracy. The additional weapon would only be used as recognised ranges for that type of weapon.

That information has come to you later in January after the RL3A was completed; is that right? - That is correct.

At least after it was completed by you? - Yes.

You have stamped it, signed it, and passed it presumably with the application form and the RL3A further up the chain of command? - Yes.

Where would it go to from you? - It would go to the Firearms Department.

If you go back to the RL3A do we see at the foot someone has signed it? - It has been signed by Chief Inspector Alan Bell.

Why has he signed it? - He was the officer in charge of the Firearms Department at that time.

He has signed after the word "granted" has been left and he has added "Process please"? - Yes.

And the date stamp would appear to have been completed when he signed it? - 30th of January.

So he has dealt with it after, on the face of it, getting the AD2A explaining Hamilton's reasons for wanting a second 9mm pistol? - Yes.

Could you now look please at FA39 which should be D59. Is that another form of application? - Yes.

This time it is for variation? - Yes.

Only for variation; is that correct? - That is correct.

Would/

Would you also look please at FA40 which is an RL3A which is D60. Now, did you deal with this application? - I did, yes.

Can you also have FA27 which is D50. Is this the firearms certificate that was being varied? - It would be.

In terms of the application which you have just got in front of you? - Yes.

Now, that firearms certificate before variation authorises a .22 rifle, a .9mm pistol, a .223 rifle and a .357 revolver? - Yes. It authorises them or he possesses them.

Nothing to be purchased or authorised until the variation letter? - Yes.

It also varies the ammunition. A thousand .22 rounds to be possessed, 200 of each 9mm and .223? - That is correct.

If we can come back to the application for variation we are now looking at, he is in fact acquiring the other 9mm pistol; is that right? - That is correct.

He is seeking authority to acquire a 7.62 rifle and another .22 rifle; is that right? - Correct.

But what I am principally concerned about is the ammunition. There is a major change sought in the permission for ammunition; is that right? - Yes, there is.

What is it that he seeks to possess in the way of ammunition? - Well, he is seeking to increase the levels of ammunition in respect of all the calibres, all weapons.

In each case what is the total that he now seeks to possess? Just go along the line? - It is the same line for every calibre, yes.

What is it? - It is 1500.

And it is going up to 1500 from according to the certificate you have in front of you 1,000 in the/

the case of .22 and 200 9mm and .223? - Yes.

Would you agree with me that is.....

LORD CULLEN: I am not sure that is absolutely right. I am not sure you are referring back to 1970 -- which year are you going back to?

MR. BONOMOY: I am looking, sir, at this application which is 1987.

LORD CULLEN: And comparing it with the certificate for what year?

MR. BONOMOY: 1986.

LORD CULLEN: What number is that?

MR. BONOMOY: D50L. You have got the words "I renewed the certificate for three years from 14th February, 1986".

I/

4.15 p.m.

I think, Sir, that this is the point at which the application is made which results in the increase of authority to possess rounds of ammunition from 1,000 or 200, depending on the calibre, up to 1,500 in respect of either calibre.

LORD CULLEN: Yes, I appreciate there was an increase, but I am slightly puzzled still because if I go back to 51A, which is something you referred to a short time ago, I appreciate that is an application -- you see the "Amount desired to be possessed" -- did that still include .22?

MR. BONOMY: It doesn't appear to.

LORD CULLEN: I am just wondering whether in the meantime between 1977 and 1987 there has been a change. I am not suggesting there wasn't a big change between 1986 and 1987. I am just not quite clear what the existing authorisation was as at 1987.

MR. BONOMY: Well, yes, it may be -- if you look, sir, at D50L, which is the Certificate or Renewal dated the 14th February 1986 -- do you have that one?

LORD CULLEN: I have got that thank you, yes.

MR. BONOMY: In the Variation Section on the right-hand side there is a variation dated the 31st January 1986, and that deletes all reference to .22 ammunition.

LORD CULLEN: Yes. So it is that that we should compare with what is authorised in 1987?

MR. BONOMY: But that is the result of the variation which was carried out that Mr. Rattray has already just spoken about, which was dated 3rd January -- oh, no, sorry, he has dealt with another one -- yes, he dealt with the variation application for 3rd January 1986.

LORD CULLEN: Yes.

MR. BONOMY: That is the evidence he has/

has just given us.

LORD CULLEN: That is right.

MR. BONOMY: And following that the certificate which is D50L was amended to delete any reference to .22 ammunition.

LORD CULLEN: That is right, and so therefore we should look at the 1986 authorisation and compare that with what is now being authorised or sought to be authorised; is that right?

MR. BONOMY: Yes, that is correct, and the 1986 authorisation is best shown, is it not, on that D50L, because the amounts aren't affected on the left-hand side of the page, it is simply certain types of ammunition that are deleted, or alternatively added, in total 200 and 100 -- there is no question of increasing beyond the 200 to possess or 100 to acquire. So I don't think it is an unfair representation of the point at which there is the significant change up to 1,500. I appreciate it might not be complete to do it this way, but it was the easiest way I thought.....

LORD CULLEN: No. It was merely I wasn't sure whether you were comparing what is now sought to be authorised with what the previous authorisation had been, which is 1986?

MR. BONOMY: Well, I hope that is the effect of what I am doing. I don't think there is another point where there is authority for a large increase up to 1,500.

LORD CULLEN: No.

MR. BONOMY: So all I was trying to do was identify that point. So the evidence is not perhaps as complete as it might be, going through every calibre, but it makes the point of principle which in my submission is the important point in this context.

LORD CULLEN: Yes.

EXAMINATION CONTINUED BY MR. BONOMY: So if I can just ask you to look at D50L, which is the actual Firearms Certificate which was renewed in 1986, /

1986, and just confirm to me that there were a number of calibres of ammunition authorised in that. The only one at any stage which was as high as 1,000 was .22? - That is correct.

And that had been deleted by the time the certificate had had all these variations applied to it; is that right? - Yes.

And that the other calibres which could be held were no more than 200 or 100 rounds? - Yes. He is seeking an increase.

Yes. If you just stick though for the moment to the actual Firearm Certificate, is it clear from reading the front of it that the maximum he was, by 31st January 1986, authorised to hold, was 200 rounds, and that applied to more than one calibre of ammunition? - That is correct, yes.

So when he came to apply in 1987 for his renewal he was seeking a very significant increase from 200 to 1,500 in respect of each of the calibres he had? - He was, yes.

And this would be 9 mm, .22, .38 Special, .357, of which he only had 100; is that right? - Yes.

Now, that application involved what measure of consideration by you? - Well, there are no sort of arbitrary limits as far as ammunition is concerned, so that would be looked at by myself, and it would be seen that he was actively pursuing his interest in the gun Club, and had a requirement to use that amount of ammunition.

Now, how would you establish or how did you establish that he was actively pursuing his interest in the gun Club? - Well, I am trying to see if that was the time when Chief Inspector Mill submitted a report.

Well, I think that is the report you have already looked at? - Yes.

What you could look at now is the RL3a form which is FA40. Have you got it there? - Yes.

It/

It is also D60? - Yes.

Now, are there actually two sheets of this RL3a? -  
There are.

If you look at the first sheet, are the six questions all  
answered "Yes"? - Yes.

And you will then see that question 7 has been  
completed? - Yes.

Now, could you read out what question 7 says? - "With  
reference to the applicant's.....".

I think we may have them the wrong way round. The  
reason why there are two sheets I think you will be able to confirm is  
that question 7 was answered at length? - It is a combination.....

And the two sheets were necessary, to run over? - Yes.

So can you read from the other page first? - "The  
applicant has sold the .22 Anschutz rifle, No. 102541, and has  
purchased the 9 mm Beretta pistol, number C5823OZ as shown.  
Applicant wishes to purchase one 7.62 mm rifle and one .22 rifle. All  
weapons will be used for target shooting. With reference to 2, sub-  
para 2, and 2 sub-para 3 on the certificate, the maximum quantity of  
ammo to be purchased or acquired at any one time is 1,500 and 1,000  
rounds respectively for each calibre. Applicant would like to have  
maximum for weapons he possesses and those which he would like to  
purchase. Applicant's security for weapons and ammo has been  
checked and is very secure. With reference to the applicant's wish to  
be able to purchase and have 1,500 .38 ammo maximum, this is due to  
the fact that this .38 Special ammo can be fired from his .357 revolver.  
There is no real basic difference in the ammo in that the .38 Special  
is slightly less powerful".

So that meant that he could keep 3,000 round of  
ammunition for that weapon? - Yes.

You will see the use of the expression "Maximum", and  
we have heard you say, as have others told us, there was no arbitrary  
limit, but was there in fact a limit? - I can't recall if there was a limit./

limit. If there was a limit it may well have been a policy within the force Firearms Department. But I honestly can't recall that.

In any event, were you satisfied on the basis of this report that this application should be granted? - Obviously, sir, yes I was.

Can you remember giving any particular consideration to the application, or is that too long ago now to ask you to remember it? - I'm afraid it is too long ago.

Now that you see all this there are no particular bells ringing in your mind about it? - None, no.

Adjourned until tomorrow  
at 10.00 a.m.

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